

From: "Robert Ahlheit" <robert@mail1.nitco.com>
To: igcgwdoma2.oshwmigcpo(JSEWELL)
Date: 6/30/99 8:11AM
Subject: R&M landfill

2C25
West Creek Prairie C/D
Lake Co.

Couldn't make Tuesdays meeting but wanted to add my comments about subject landfill.

We are against expanding the West Creek Prairie C/D site.

We need to reduce truck traffic and reduce the fugitive air pollution from the dust originating at the site.

Bob & Judy Ahlheit
1317 Gatewood Dr.
Lowell, IN 46356

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FACT SHEET

2025
West Creek Prairie C/D Site
Lake Co.

West Creek Prairie Construction/Demolition Site New Solid Waste Facility Permit Application Public Meeting June 29, 1999

This fact sheet briefly describes the proposed facility, and the solid waste facility permitting process.

Description of Site

The proposed West Creek Prairie Construction /Demolition (C/D) Site is located approximately one and one half miles west of the corporate limits of the Town of Lowell, Indiana along State Road 2, directly south of the existing Feddeler Construction/Demolition Site. The proposed facility contains approximately 17.8 acres for disposal. The facility design includes a minimum of three-foot soil barrier, surface water management systems, erosion and sedimentation control devices, and a low-permeability clay cover cap. If approved, the maximum elevation of the final cover will be 772 feet above mean sea level. C/D sites can accept construction/demolition debris, and clean fill wastes. The proposed site has an expected and planned facility life of 20-21 years.

The Permitting Process

The Indiana Department of Environmental Management (IDEM) is responsible for administering the State's solid waste regulations (329 IAC 10). Chemists, geologists and engineers from IDEM's Office of Solid and Hazardous Waste Management evaluate permit applications for compliance with the regulations and make the determination to grant or deny the permit. By statute, IDEM has 365 days to act on a permit application for a new solid waste disposal facility. If IDEM requires additional information to evaluate the application, a Request for Additional Information is issued and the review clock is suspended until the requested information is submitted to IDEM. All correspondence and information relative to the solid waste facility is available for public review at the public fileroom location indicated below. Mr. Jeff Sewell, the Permit Manager for this application, is responsible for overseeing the permitting process and is available to answer your questions concerning this permit application or the permitting process at (317) 233-5562 or by e-mail at jsewell@dem.state.in.us.

Permit History

July 13, 1998 -	IDEM's Office of Solid and Hazardous Waste Management (OSHWM) received a permit application for the West Creek Prairie C/D Site.
July 16, 1998 -	OSHWM mailed a Notice of Application to Local Officials, notifying the applicant and local officials that the application has been received.
August 31, 1998 -	OSHWM mailed a Request for Additional Information (RAI). A response to this letter was received on December 4, 1998.
January 13, 1999 -	OSHWM mailed a second RAI identifying items that were not complete in the December 4, 1998, response. A response to this letter was received on January 29, 1999, and February 10, 1999.
March 8, 1999 -	OSHWM mailed a third RAI identifying items that were still not complete as of the February 10, 1999, response. A response to this letter was received on March 26, 1999.
May 24, 1999 -	OSHWM mailed a letter declaring the application complete and initiating the public participation process.
June 29, 1999 -	Public Meeting scheduled by applicant.
To be announced -	Public Hearing and 30-day comment period conducted by IDEM.

The application is currently undergoing technical review. During the permit process additional information and/or changes may be requested from the applicant.

Public Meeting

As a requirement of 329 IAC 10-12-1, the applicant for a new solid waste land disposal permit, lateral expansion, or major modification to a permit is required to hold a public meeting. During the public meeting the applicant must do the following:

1. Present a brief description of the location and operation of the proposed facility.
2. Indicate where copies of the application have been filed.
3. If the applicant proposes a design alternative, the applicant must briefly describe the alternative design.
4. State that IDEM will accept written comments and questions from the public on the permit application and announce the address of the department and name of the person accepting comments on behalf of the department.
5. Provide fact sheets on the proposed facility that have been prepared by the department to the public.
6. Offer the opportunity for public comments and questions.
7. Provide a copy of the published public notice for the public meeting.

This public meeting being conducted by West Creek Prairie, L.L.C. today is to satisfy these requirements.

Public Hearing

As a requirement of 329 IAC 10-12-1, IDEM will hold a public hearing to provide an opportunity for the public to make statements, ask questions and provide technical comments to IDEM. IDEM will respond to all public comments when a permit decision is made. IDEM will consider public comments that are relevant to the environmental protection acts and the requirements of 329 IAC 10. The public hearing and a 30 day public comment period have not been scheduled at this time. A public notice announcing a public comment period and a public hearing will be published in a legal notice in the Lowell Tribune and the Post Tribune and will also be posted on IDEM's web page at <http://www.state.in.us/IDEM/OSHWM/news.html>.

Public Comments

Written comments may be sent to:

Mr. Jeff Sewell
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
100 N. Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Or by fax to (317) 232-3403
Or by e-mail to jsewell@dem.state.in.us

The permit application for the West Creek Prairie C/D Site is available at the IDEM file room, 11th floor of the IGC-North Building, 100 N. Senate Avenue, Indianapolis, Indiana, between 8:15 A.M. and 4:00 P.M., closed for lunch from 11:45 - 12:45, weekdays (appointments are recommended). The application is also available at the Lowell Public Library, at 1505 East Commercial Avenue, in Lowell, Indiana, and at the Lake County Public Library, at 1919 West 81st Avenue, in Merrillville, Indiana.

Scholarship winners were honored guests at the Kappa Sorority's Zeta Chi Chapter meeting on June 7. Honorees and their mothers were welcomed by hostess Sue McQuiston. Scholarship Committee Chair Jane Fedler introduced the winners to the assembled members. Scholarships were awarded to Lowell High School seniors Misty Dickinson, Alan Rosenwinkel and Stephanie Bates. Jennifer Stang, currently enrolled at IUN, received the Continuing

Education Scholarship. Each recipient outlined their plans to Refreshment and guests' congratulatory wishes.

President called the meeting to order and proceeded with the business of the chapter. Received in the meeting were Kelly Hedrick, K. Leslie Meyer and Mary drager.

Eaker of the business meeting. All business matters were discussed. 99 program installation. The coming of the summer. Leading the Shirley Mrz Lynn Boch dent; An recording Cusic, treat Kussy, corn retary.

President of the meeting. The meeting was a very successful one. Encouraging an enjoyable evening. Urging the August with

NOTICE OF PUBLIC MEETING

West Creek Prairie, L.L.C., will be conducting a public meeting to discuss its application to the Indiana Department of Environmental Management for a solid waste facility permit to construct and operate a disposal facility for construction/demolition waste. The meeting is being held in accordance with state regulation 329 IAC 10-12-1.

WHEN: Tuesday, June 29, 1999

TIME: 7 p.m.

WHERE: Lowell American Legion Post 101
108 1/2 E. Commercial Ave.
Lowell, IN

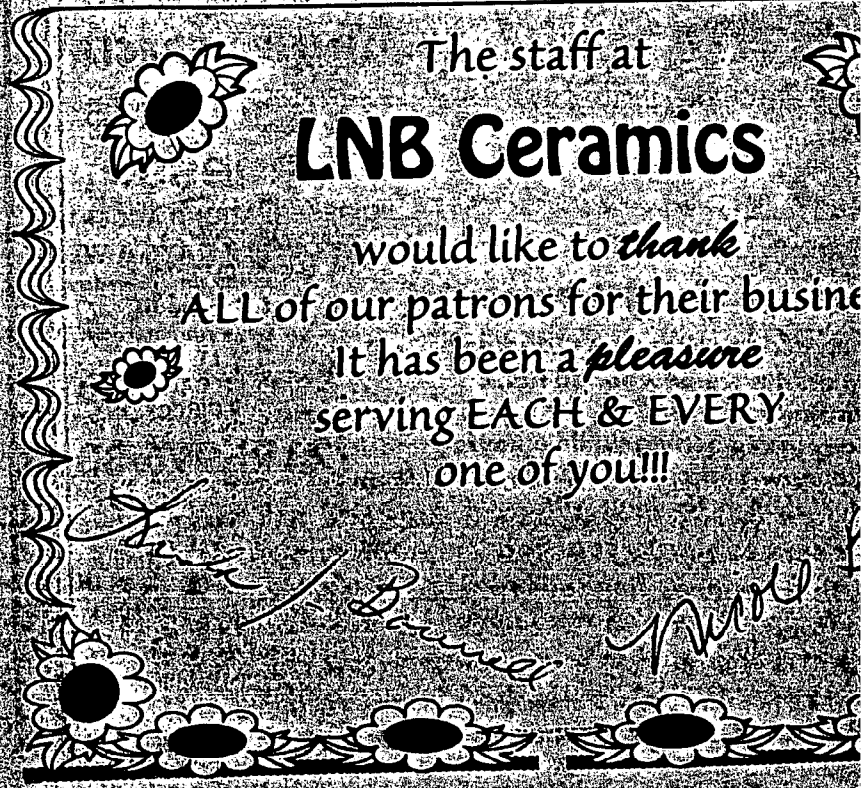
Copies of the application have been placed in the Merrillville Public Library and the Lowell Public Library for public review. Questions regarding the upcoming meeting may be directed to Mr. Timothy Boos at (312) 922-1030.

Thurs June 22, 1999
Lowell Tribune

The staff at

LNB Ceramics

would like to *thank*
ALL of our patrons for their business.
It has been a *pleasure*
serving EACH & EVERY
one of you!!!



policeman, said that the 22-year-old Russ responded reasonably when the officer shattered his window, which "sounds like a gunshot," he said.

"If I hear a gunshot, what sounds like a gunshot, I'm going to turn around," Beavers said. "And if I see a gun in my face, my reaction is to grab it."

In fact, Hillard said that the evidence suggests that Russ had grabbed the barrel and was tugging on it when it fired, leaving him mor-

tally wounded.

Ald. Dorothy Tillman said the incident "just doesn't make sense to me."

She noted that while Russ was fatally shot, a white man who crashed his car into a state office building two weeks ago and claimed to have a bomb on him was taken into custody unharmed.

"This young white male decides he's insane, said he's got dynamite and they (police) subdued him," she said. "A man during a chase gets

killed and a man who said he has dynamite, you just subdue him."

The crowd erupted at that comment — as they had when Ald. Ardena Troutman said the community feels that "driving while black is fatal." Some screamed that the police department was racist and waved signs, one of which read "It's not a rules violation. It's murder."

Hillard acknowledged that the "bonds of trust and confidence (with the public) have been strained by these two incidents."

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929-NIIA

219-929-6442

For more information & technical support,
Mad Lake County and the city of LaPorte, toll-free:

1-877-NETNIIA

1-877-638-6442

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Post-Tribune
Friday, 18, 1999
A-14

NOTICE OF PUBLIC MEETING

West Creek Prairie, L.L.C., will be conducting a public meeting to discuss its application to the Indiana Department of Environmental Management for a solid waste facility permit to construct and operate a disposal facility for construction/demolition waste. The meeting is being held in accordance with state regulation 329 IAC 10-12-1.

WHEN: Tuesday, June 29, 1999

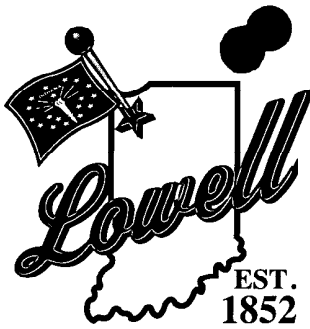
TIME: 7:00 PM

WHERE: Lowell American Legion Post 101
108 1/2 East Commercial Ave.
Lowell, Indiana

Copies of the application have been placed in the Merrillville Public Library and the Lowell Public Library for public review. Questions regarding the upcoming meeting may be directed to Mr. Timothy Boos at (312) 922-1030.

mouse Footwear

to elevate one particular religion
over all others
to accelerate his plans
for any terrorist action
millions of people are being
killed and many more are
being injured



TOWN OF LOWELL

501 East Main Street • P.O. Box 157 • Lowell, IN 46356

Phone: 219-696-7794 • Fax: 219-696-7796

E-Mail: Lowell2@xvi.net

2C26
West Creek Prairie C/O
Lake Co.

RECEIVED

May 13, 1999

MAY 18 1999

Mr. Jeff Sewell (N1154)
Solid Waste Permit Manager
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SOLID & HAZARDOUS WASTE MANAGEMENT

Dear Jeff:

On May 10, 1999 the Lowell Town Council voted unanimously to adopt a resolution opposing the issuance of a permit for R&M Enterprises Inc. to operate the West Creek Prairie Construction Demolition Landfill on State Route 2 in West Creek Township.

Our reasons for opposing the landfill are many, among them, that R&M Enterprises Inc. currently owns and operates the Feddeler Construction Demolition Landfill along the north side of State Road 2. R&M officials have admitted that over the past three years approximately 63 percent of the waste deposited in the Feddeler landfill has originated from sites outside the State of Indiana.

Most importantly, both the existing landfill and the proposed dump site are located less than a mile from Lowell's western boundary and poses a severe threat to our ground water supply and the local environment.

Thank you for your consideration in this very serious matter.

Sincerely,

Raymond Raszewski, President
Lowell Town Council

"The friendly town with friendly people"

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LIBRARY

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RESOLUTION NO. 1999-11

RESOLUTION OPPOSING THE APPROVAL OF A WEST CREEK PRAIRIE CONSTRUCTION DEMOLITION LANDFILL

WHEREAS, R & M Enterprises, Inc. currently owns and operates the Feddeler Construction Demolition Landfill located along the north side of State Road 2 in West Creek Township, Lake County, Indiana; and

WHEREAS, R & M Enterprises, Inc. has admitted that over the past three years approximately 63% of all waste deposited in the Feddeler Construction Demolition Landfill has originated from sites outside the State of Indiana; and

WHEREAS, on July 13, 1998 R & M Enterprises, Inc. submitted an application to the Indiana Department of Environmental Management (IDEM) requesting a construction and operation permit for the West Creek Prairie Construction Demolition Site located on State Road 2, West Creek Township, Lake County, Indiana; and

WHEREAS, the initial application submitted by R & M Enterprises, Inc. for the West Creek Prairie Construction Demolition Site sought approval for a 60.8 acre Construction/Demolition Landfill on a 93.7 acres site capable of accommodating 5 million cubic yard of waste and thereafter said application was revised by IDEM to a 17.8 acre Landfill capable of accommodating 1.1 million cubic yards of waste; and

WHEREAS, both the existing Feddeler Construction Demolition Landfill and the proposed West Creek Prairie Construction Demolition Site are located less than one mile from the western boundary of the Town of Lowell, Indiana; and

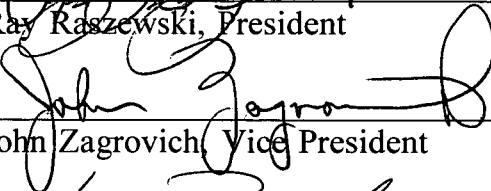
WHEREAS, the permitting of the proposed West Creek Prairie Construction Demolition Site will substantially increase the threat of pollution to the ground water and local environment caused by the existing Feddeler Construction Demolition Landfill and will also increase the potential harm to the health and safety of the public caused by dramatic increases in truck traffic along State Road 2 and the surrounding areas.

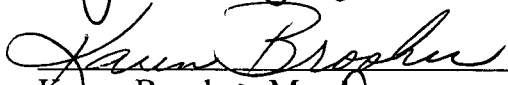
NOW, THEREFORE, BE IT RESOLVED by the Lowell Town Council as follows:

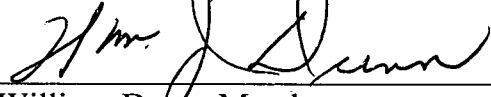
That the Indiana Department of Environmental Management deny the application of R & M Enterprises, Inc. for the West Creek Prairie Construction Demolition Site landfill due to the lack of need for such a landfill and/or the irreparable harm and adverse consequences to the ground water, the environment and the health and safety of the residents in and around West Creek Township, Lake County, Indiana that would result from permitting said landfill.

RESOLVED AND ADOPTED by the Lowell Town Council on May, 10 1999 by a vote of 5 in favor, and 0 opposed.


Ray Raszewski, President

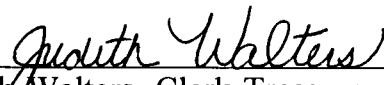

John Zagrovich, Vice President


Karen Brooker, Member


William Dunn, Member


Larry Just, Member

ATTEST:


Judith Walters, Clerk-Treasurer

Page 1
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AUG 2 1999

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SOLID & HAZARDOUS WASTE MANAGEMENT

2C26
West Creek Prairie 9086
Lake Co
July 29 1999
Henry B. Kaszuba
18606 Austin St.
Lowell, IN 46356-9623

Rec'd August 31, 1999
IDEM. Jeff Sewell

RE: Permit Application
Notes from 6/29/99 Public
Meeting by W.C.P.L. LLC

Dear Jeff Sewell,

Permit Application Book, in the introduction Page 1, 4th paragraph states, all local approvals have been received. That was for 93 ac landfill not 17.8 ac. As stated in W.C.P.L. Public Meeting by Commissioner J. Scheub, it never came up to Drainage Board for approval.

Page 9 - 3.5 Nearby Wells, Potable means fit to drink. There is a well on west side on Coop Elevator property of which is used for drinking, filling 5 gal emergency wash for anhydrous ammonia tanks for human body first aid, water for filling of chemical application for Xarmar custom spraying. This well is not 600 ft from proposed facility.

I had a meeting with Mr. Larry Oster from Soil & Water District of which he called you up for information. Erosion & Segmentation plan is not in place.

I also had a meeting with Mr. Van Till our County Surveyor and Drainage Board advisor. At the meeting were present 3 engineers

from Burke Engineering. Mr Mike Kear
and 2 others, one lawyer Mr Duggan and a
representative from West Creek Drainage board
they are writing to Weaver & Boos for Maps
& information pertaining to W.C.D.L.
Phone to Burke Eng - 847 823 0500

In book of permit application SWF-2 Sec G
Signatures and Certification statements. Mr
Heddeker signed his signature. It says
information submitted is to the best of my
knowledge true accurate and complete. There
are too many statements of misinformation in
the permit application and probably done on
purpose.

Sincerely
B. Kozula

W.C.P., L.L.C. represented by Tim Boos(?); Julie Feddeler Brown and Larry Kane (legal counsel for both West Creek Prairie and R&M Disposal) were present. Mr. Boos sent around a sign-in sheet to be used later to call on people who had questions, after giving an 'idea of what the meeting was about'. This is a public meeting, which is one of two steps in the IDEM process of submitting an application for a construction and demolition debris landfill, which does not take waste from 'your house', but principally takes waste from roll-off boxes from renovation, remodeling and/or new construction from facilities, buildings and so on.

This meeting is held by the applicant. A later public hearing will be held by IDEM; Mr. Boos went on to point out that IDEM was represented at this meeting by Jeff Sewell (from IDEM's Office of Solid and Hazardous Waste Management), who would probably answer any questions posed to him. The IDEM public hearing will be more formal, with a court reporter present, and questions and comments made at that hearing will be entered into the record and reviewed by IDEM and responded to in writing. The applicant public meeting is more informal, to inspire questions and answers and to create a dialog between the applicant and concerned criticism from the public.

The 7 IDEM requirements (listed on the IDEM fact sheet) for this meeting were followed:

1) Present a brief description of the location and operation of the proposed facility. Tim Boos gave the site description by quoting from the IDEM fact sheet: "The proposed West Creek Prairie Construction/Demolition (C/D) Site is located approximately one and one half miles west of the corporate limits of the Town of Lowell, Indiana along State Road 2, directly south of the existing Feddeler Construction/Demolition Site. The proposed facility contains approximately 17.8 acres for disposal. The facility design includes a minimum of three-foot soil barrier, surface water management systems, erosion and sedimentation control devices, and a low-permeability clay cover cap. If approved, the maximum elevation of the final cover will be 772 feet above mean sea level. C/D sites can accept construction/demolition debris, and clean fill wastes. The proposed site has an expected and planned facility life of 20-21 years."

Mr. Boos also stated that the IDEM definition of C/D waste included such items as brick, concrete, stone, glass, wallboard, lumber, roofing material, and other items which are affixed to the structure being constructed or demolished such as plumbing fixtures and wiring and non-asbestos insulation.

2) Indicate where copies of the application have been filed. Mr. Boos stated that copies of the application had been filed with IDEM, and copies were available at IDEM's offices in Indianapolis, and at the Lake County Public Library in Merrillville.

3) If the applicant proposes a design alternative, the applicant must briefly describe the alternative design. Mr. Boos said that there were no design alternatives proposed.

4) State that IDEM will accept written comments and questions from the public on the permit application and announce the address of the department and name of the person accepting comments on behalf of the department. Mr. Boos referenced the IDEM fact sheet

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AUG 2 1999
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SOLID & HAZARDOUS WASTE MANAGEMENT

in that IDEM will accept written comments and questions from the public on the permit application, which should be addressed to:

Mr. Jeff Sewell
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
100 N. Senate Avenue
P.O. Box 6015
Indianapolis, IN 46206-6015

FAX: (317) 232-3403
E-mail: jsewell@dem.state.in.us

5) Provide fact sheets on the proposed facility that have been prepared by the department to the public. Mr. Boos pointed out that copies of the IDEM fact sheets were available on the front table.

7) Provide a copy of the published public notice for the public meeting. Mr. Boos also pointed out that there were copies of the published public notices (from the Gary Post Tribune 6/18/99, and the Lowell Tribune 6/22/99) also available on the table.

Mr. Boos pointed out a map on display at the front of the room showing the layout of the proposed landfill (approximately 17 acres) on the entire property owned by West Creek Prairie for this facility (approximately 90 acres). He stated that the facility received approval and conditional use zoning by the Lake County Council in 1997, after which the application was submitted to IDEM, with the history of the permit listed on the IDEM fact sheet. The original application to IDEM was submitted July 13, 1998, and since there has been several interactions with them.

6) Offer the opportunity for public comments and questions. Followed the sign-in sheet for questions and comments:

Rick Niemeyer: How many acres were on the original application?

Tim Boos: The July 13, 1998 application proposed a landfill that was significantly larger than the one that is being proposed now. There is a law in Indiana called 'demonstration of need', which defines how large a facility may be. We have a different opinion than IDEM on how big that may be. IDEM won, we lost, so the facility was down sized. This facility application proposes 17.8 acres. Does that answer your question?

R.N.: What was the original size, and are you saying that the need factor was lowered, is that why the size was lowered?

T.B.: Yes

R.N.: What was the original size?

T.B.: The original application proposed a fill boundary of 60 acres, so we basically cut it to 1/3 of the original application. Anything else?

R.N.: One other question, on the traffic issue. About trucks going in and out on the south side, are there going to be egress/degress lanes put in, or will it be left the way it is now?

T.B.: No, it is my understanding that it is not required that egress/degress or acceleration/deceleration lanes be put in, but we offered to the Lake County Council to do that.

R.N.: Are you going to do it?

T.B.: Yes, we stated in the application that we would do it.

Henry Kaszuba: The application is also on file at the Lowell Public Library. What does L.L.C. stand for in West Creek Prairie, L.L.C.?

T.B.: I'm not a lawyer, but I'll give it my best shot. L.L.C. stands for 'limited liability corporation'. There are several different types of corporations according to the federal government, C-corps, S-corps, partnerships, L.L.C.s. There might be differences between them. L.L.C.s were only invented a few years ago. A lot of companies are called L.L.C.s. I think basically, it protects assets in other corporations; beyond that I don't know.

H.K.: Thank you. Will the landfill have groundwater monitoring wells?

T.B.: Yes.

H.K.: Well water monitoring wells to be tested? Or are you talking about boring holes?

T.B.: There are monitoring wells on the property already.

H.K.: Right. But is this landfill going to have monitoring wells for testing the water?

T.B.: You said water wells and then you said groundwater wells and to me, that's two different things. Did you mean would we test water at residences around the area, or did you mean monitoring wells on the property?

H.K.: Monitoring wells on the property.

T.B.: As it is proposed right now, there are monitoring wells on the northeast corner of the property. IDEM does not require for C/D landfills that monitoring wells be placed around the perimeter of the waste. At this point, the application does not propose putting additional monitoring wells in.

H.K.: The existing wells were put in for an existing landfill, not for the proposed landfill.

T.B.: Yes.

H.K.: Will there be any leachate collectors?

T.B.: No.

H.K.: How about gas control systems?

T.B.: No.

H.K.: Is there a reclamation plan for polluted wells?

T.B.: No. To pick up on the last three answers, in case no one understands, this is the difference between a sanitary landfill that takes garbage and a C/D landfill. A methane generation system is not required because C/D landfill is primarily inert waste. Concrete doesn't generate methane; decomposing garbage does. So there's no requirement to have a methane monitoring system. There's no requirement to have a well monitoring system. There's no requirement that we take collections. What we have proposed is consistent with regulations in the state of Indiana right now. What was the third question?

H.K.: Is there a reclamation plan for polluted wells?

T.B.: The question was is there a plan in place to provide water wells or to clean up ground water if it should become polluted by the facility. There is no specific plan in the application. There are regulations in place. If it were documented that the source of contamination in the aquifer was the landfill, the owner of the landfill would have to clean up the groundwater.

H.K.: How about a plan for residential drinking water if the wells get polluted?

T.B.: There is already a plan in the application to do that. Aquifers and water wells are really basically the same thing. The regulations in Indiana would, in effect, require the owner of the landfill to do any remediation to the aquifer if it were documented that the landfill was the source of outward contamination.

The owner of this landfill will have to continue to maintain this facility and will basically be responsible for it for perpetuity. The first step that you have to go through is a part of the plan called a post-closure plan. For 30 years after the last receipt of waste, he's responsible to monitor his facility. He'll have to come out here twice a year, maybe more frequently, just to make sure everything's okay. He can't just run away. Well, let's say he does run away. He has to post financial assurance the day he opens his landfill based on some formulas provided by the state of Indiana to guarantee that there's money around to take care of this thing after he's gone. So that factors into what he's saying about the water well issue. Even beyond that 30 year period, if you read the regulations real closely, if the facility ever becomes a nuisance at any time in the future, even beyond post-closure, the owner/applicant has to take care of the problem. So, the plan that

you're talking about, I think that state law as it's written right now, I happen to be on one of the committees that helps to draft these laws, provides for those sources of income.

H.K.: In initial development site of the landfill property, are you going to construct a weigh-in scale? Is there a weigh-in scale going to be over there?

T.B.: Yes.

H.K.: What about a scale house?

T.B.: Yes.

H.K.: What about the office building?

T.B.: I think we'll use a trailer. I'll have to check on that.

H.K.: Okay, the house that's over they're using now for an office, whose is that office?

T.B.: I don't know.

H.K.: Whose is that office is that, though? You think it's going to be the landfill office?

T.B.: You're talking about where the office is right now?

T.B.: Let me catch up on these real quick and get some other detailed questions. Yes, there'll be a scale, a scale is required by state law and usually we have a scale house that's connected with the scale. And third is where the landfill office is going to be - I would presume that Julie's office will remain in the same building that it's in now.

H.K.: When you start digging out the cells, the ground excavation out of the cells will be stockpiled south of the waste footprint area. Where?

T.B.: I'll show you on this map, here. We own 90 acres of ground. It's got conditional use, so basically we can store it anywhere we want in there. There are other corollary regulations that we have to watch. There is some debate on some of the streams that go through there, that Bob Feddeler actually dug himself, but there's some debate on whether they're now regulated or whether he can fill those in or not. But beyond that, as for now, they can do what they want. If they want to stockpile soil on it, as long as it's in accordance with the Lake County ordinances, as long as it's in accordance with state law, they can stockpile soil in there any way they want to.

H.K.: You have flood plains on the south side of that landfill where you're planning to stockpile. Are you going to be on the south side of that ditch that runs through there? Supposedly, it's a man-made ditch? This is the question I'm asking.

T.B.: It's the first ditch, is this the one you're talking about?

H.K.: Yes.

T.B.: You probably can see, there's a dotted line right here. This represents where the flood way boundary is. We can't encroach on that line, we can't fill past that line. That was your question, right? We can't fill past this line right here.

H.K.: I said flood plain, not flood way.

T.B.: That line is the flood way - we can't do anything, alter anything east of the line.

H.K.: I'm sorry, flood plain.

T.B.: Beyond the flood way, at the end of our property is called the flood plain. We can do anything we want in there. If I build a building in there, I have to have flood insurance to do it, but I'm not going to build a building in there. If I build a landfill in there, if there can be a landfill, I have to surround it with a dike three feet higher than the flood elevation. That's what's proposed in the application. Including a stockpile of soil in there wouldn't pose any regulatory problems.

H.K.: In the proposed solid waste dump, of the 17.8 acres, how many acres are in the flood plain?

T.B.: None of it is in the flood way. I don't know the exact answer on the flood plain. But I can tell you this: between the IDEM and the Indiana DNR, which is in charge of the waterways in the state of Indiana, they say what we're going to do is fine. They don't have any objections. What we're doing is in accordance with the laws and regulations. So that's the best answer I can give you.

H.K.: I think the DNR never said that they approved it or disapproved in the letter that you have in your book. They never approved it. Am I correct?

T.B.: I disagree.

H.K.: They said you could build in a flood plain?

T.B.: Yes.

H.K.: Can you explain who gets the tipping fees from the landfill?

T.B.: Obviously, the owner of the facility, who invested the money in operating facility and operating it on a day-to-day basis charges the customers, I mean that's just business, right? I mean whether you're doing that or running a hardware store, it's the same thing. Now, beyond that, I think the question is beyond that who does he have to pay money to? There are two sorts of people he has to pay money to. He has to pay money to Lake County Solid Waste

Management District and that amount of money is \$2.50 per ton. As you probably saw in the newspaper here not too many months ago, Lake County Solid Waste Management District upped their fee to \$2.50 per every ton they take. They have to pay that. Secondly, I think IDEM gets \$0.15 per ton. I could be wrong. In essence, they're taxes.

H.K.: I didn't know that.

T.B.: Yes. It's a tax. When Lake County doubled their rate here a few months ago, that's basically just uncontrolled tax. They know, what's the owner of the facility going to do? He's just going to pass it on. He has to pay, he sets his price according to the market. If everyone in the county has to pay the same increase, then every customer ends up paying the same amount, too. Are we getting close to the end, yet?

H.K.: Can I talk about R&M Disposal here? R&M Disposal has advertisements on restaurant place mats. R&M has garbage service and provides containers for home cleanup and commercial service. Where does the debris and the containers go when they get picked up?

T.B.: R&M also picks up garbage. Well, that garbage most likely ends up at the Newton County landfill, south of here, or goes up to the north county, and goes to a transfer site in the north part of the county and some of it ends up in a landfill in New Buffalo, Michigan.

H.K.: What happens to the containers when they pick them up? When people clean out their garage, there's all kind of garbage, paint cans, aerosol cans, all sorts of things that can't go into the landfill. What happens to the garbage?

T.B.: Okay, I see what you're saying. What you're saying is that if we pick up what should be a load of C/D waste in a roll off box somewhere, at a remodeling place, if there's uncontrolled waste in there, what happens? That's a legitimate question. I read to you a list of what C/D waste is - bricks, lumber, glass, stuff like that. It is not unusual to find garbage, particularly from a C/D site in the roll off box by the time they go pick it up from somebody's house in East Chicago, Merrillville, or anywhere else. Also, it's not unusual to find other things that belong as part of the house demolition, most notably, carpet. If somebody's going to remodel their house, they rip that carpet out and throw it into the roll off box. That's not C/D waste, even though it's part of a remodeling job. What happens on a full time basis, right now at R&M, at the Feddeler landfill, people pick through that stuff and pull out what is not allowed. And I went out there this afternoon and looked at it myself. There was another full roll off box of stuff that had been to be picked up and hauled down to Newton County. This is basically rejects. Because they're not allowed to take it. You can't sort through the thing while it's sitting in front of somebody's house in Lowell, or Merrillville, or anywhere else. They're going to have a conniption fit. They'd say 'Hey, you were paid to pick up my stuff, now you're taking stuff out of the box'. I know having friends that are contractors, it's a big problem, they'll get a roll off box, put it in front of the house, and come Monday, it'll be full of stuff they didn't put there. So, it happens. It's a part of doing business. We're routinely inspected by IDEM. In fact, I've reviewed some of the most recent inspection reports by IDEM, and they noted that R&M did a very, very good job of sorting out the unacceptable waste. Answer your question?

H.K.: Is there recycling being done?

T.B.: My understanding is that they are allowed to do 'salvaging', to pull copper, rubber, steel, iron, and concrete out of the C/D waste. I think that's recycling.

Jim Johnson: I have two questions and I'd like to make a statement. One is what is the elevation above sea level of State Route 2?

T.B.: About 680 feet.

J.J.: So, when it states in here that the maximum elevation would be 772 feet, that would be over 90 feet above State Route 2?

T.B.: Yes.

J.J.: How can anyone change the contour of the land that much on the surrounding neighbors. I don't understand that.

J.J.: I was wondering about the test of the wells. It's always been referenced that this testing is based on L&M or other companies. Who checks on the them? It's like the fox guarding the hen house.

T.B.: In response to the question about the groundwater monitoring, the fox guarding the hen house, the groundwater sample can't be collected by the owner himself. He has to hire a third party to do the work and the work that they did comes to an analytical laboratory who takes the water sample and analyzes it. Then they take the data and/or submit it to a licensed professional geologist in the state of Indiana who reviews the work and certifies it as true and accurate. So the question is legitimate in that regard, with that type of process has been set up to make sure that shenanigans aren't happening with the water testing.

J.J.: When you take a flood plain, particularly like that area and fill it in, the water is no longer going to be able to go there. It's going to go someplace else. When there's a problem in that area, who is going to correct that?

T.B.: That probably deserves a longer answer that I probably should have got to before but I didn't. In common parlance, for all of us sitting at home, a flood plain's a flood plain, it's what you see on TV, it's what floods, it's what does this and that. In technical terms of an engineer, a flood plain doesn't really mean the same thing. There's three different terms that we use. The flood way is basically the body of the river. The next term is the flood plain that you're talking about. The third term is the flood way fringe. Those three things are different from what you're talking about. In the state of Indiana and most of the states around us, we're not in the flood way. The flood way is the area that if you fill that in, you run the potential of flooding someone else out downstream or across the river, or whatever it is. That's what the normal parlance of the newspapers call the flood plain. That's not the flood plain, it's the flood way. It's a little different

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from that. We're not allowed to build in the flood way. That's along the line you see on the map.

H.K.: I don't think you answered my question. I asked what happened to the flood plain, that drains down toward the creek, the river. That's what we're concerned about. You guys are filling up the flood plain. What's going to happen to all the people down the way? If you take all the water that flows down to the ditch, and it's not going to disperse, it's going to overflow the creek, the river - that's the flood plain. You're going to fill in about 11.8 acres of flood plain. Not flood way, flood plain. The county just built an 8 acre pond over there to alleviate flooding, and you guys are filling more in. That just doesn't make sense.

T.B.: We'll agree to disagree, okay? We're doing what's required by the county ordinance and the state law.

Martin: Has the revised plan for 17 acres been approved by the surveyor's office?

T.B.: I don't know. The proposal was submitted for 60 acres.

M: Streams have been changed.

T.B.: We didn't need to submit the change.

Bruce Bartlett: What about the roll off boxes sitting on the land that was illegally filled in? A cease and desist order was issued by the Drainage Board. Do you have a permit from the Army Corps of Engineers?

T.B.: The question was with the part of the property closest to Route 2, there are some roll off boxes that are still in there right now and some semi trailers. And that Mr. Feddeler at one point had put some fill in there and was ordered to cease and desist filling in that area because some of it may have encroached into the flood way. We talked about this earlier today. He stopped filling and we haven't heard anything from them since. Apparently they're satisfied, maybe they're not satisfied, but we stopped and complied with their request. What you're talking about has nothing to do with flood plain, it has to do with wetlands.

B.B. The question has to do with whether you need to obtain a permit from the ACE under Section 404 of the Clean Water Act or Section 10 of the Rivers and Parks Act.

T.B.: Section 404 of the Clean Water Act pertains to wetlands. The ACE is involved in the flood plain of the Mississippi River because it truly is a navigable river. Anything that's navigable, the Corps of Engineers has primary authority over. When you get to this level down here, it's the DNR. It's typically what happens, it's delegated to the state government. When you get to this level here, what you call an ephemeral stream, or an intermittent stream, the authority is delegated to the Drainage Board of the county. In a small county, the Drainage Board is the county surveyor. We've been to the Drainage Board, we've been to the DNR. This letter here says you may have to obtain a permit from the Corps of Engineers. We're in communication with the

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Corps of Engineers: Regarding 404, there are no mapped wetlands on our property. We're waiting for a response from them to confirm that.

B.B: In approving the application process, the demonstration of need for the landfill, what year's figures did you use?

T.B: The question, if everyone understands it, is about demonstration of need and the size of the facility as related to the gate receipts at the current facility and basically the law contemplates that if you are an existing landfill, an existing transfer station, or whatever, and you take x tons per day, they will grant you an expansion based on that volume to continue the business you already have. The question was what year did we base that on, we based that on the most recent year that we had data available, which was probably mostly 1997-98. receipts. The fact is since that time the gate receipts at the facility are up 50% since then, which is consistent with the Chicago Tribune, did you see that Sunday, that said that northwest Indiana is experiencing the hottest real estate market it's ever seen before. That relates directly to us - in the C/D landfill. That's where that stuff goes.

B.B: In the 1998 Summary of Indiana Solid Waste Facility Data, published by IDEM, out of the total tons for C/D landfills in Indiana of 192,713 tons, Feddeler disposed of 45,661 tons, making it the second largest site in Indiana. The percentage of the state total of total weight was 23%. The total out of state waste accepted was 29,234 tons. The Feddeler out of state C/D tonnage was 26,566 tons, which means that approximately 90% of the total out of state C/D waste was buried at Feddeler's. How does that effect the real estate market in northwest Indiana?

T.B.: The question 'how does that' relates to your own data. Those numbers aren't even valid anymore. The amount of out of state waste that goes to Feddeler's is significantly less than that. It's recorded in the quarterly reports. If you'd care to take a look at it, I'd be happy to have you look at it.

B.B: This is for you, Julie. Are you currently filing quarterly reports to the state of Indiana as to the tonnage you weigh? Are they being submitted prior to 420 days late at this time?

Julie Feddeler Brown: Yes.

Linda Cosgrove: You mentioned the 772 foot elevation upon final closure, what is the base elevation of the landfill?

T.B.: That was similar to the question the gentleman had up here. Approximate elevation around the facility is 680-685 feet. The approximate final top elevation is 772.

Stephanie Hildebrand: Why would you put five monitoring wells all in the same general vicinity?

T.B.: The question is why are the wells all clustered right in here. The geology beneath the facility - the upper 20-25 feet is predominantly clay, which is desirable for a landfill facility.

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Underneath that is a sand lens. In those locations right there, the sand lens was not always prevalent, so we asked them to keep moving it around, IDEM did, until they found it. So we ended up with several monitoring wells in the same corner. I would agree that it looks kind of goofy.

S.H.: Isn't those, the ones who did the report to the Solid Waste District, they didn't know which way the water ran for the Hickory Hills landfill?

T.B.: No.

S.H.: Is the elevation where the wells will be higher than the elevation of the proposed solid waste boundary? And wasn't Boos involved in the Hickory Hills groundwater study?

T.B.: Are the wells higher than the bottom of the landfill? No, they're not. The landfill excavation is only roughly, it slopes from one end to the other, so, in the ground, we're on going to dig approximately 6-10 feet, the deepest is 11 feet, and, as I said, the sand seam is generally 20 feet below. Does that answer your question? And the other question you had was I involved in the Hickory Hills groundwater study - I did the need assessment. Coleman & Associates did the groundwater study that you were talking about. I did work for Lake County Solid Waste District to assess the need for Lake County and how much disposal space they need, but I didn't do the groundwater one. I hope I'd remember if I did it.

??: (for J.F.B.) How close to the proposed site do you live?

J.F.B.: About ¼ mile.

??: I have a question for you - how would you like to wake up in the morning and look at something 90 foot higher than it was when you started? How would you like to look at that?

Jim Barnhart: The first question I have, you indicated that, or insinuated anyway that whatever the actual size of the containment area of 17.8 acres - is there future expansion, can it be expanded, can a permit for expansion, of that or is the question to IDEM, is that it, on that property or can it be expanded further?

T.B.: As it stands right now, if the need can be demonstrated, which is the discussion we've had here several times, yes, it could be expanded.

J.B.: Okay, my second question is you indicated that the current one there without expansion is supposed to be open for 20-21 years. When you talk about sedimentation control devices, when you have that much exposed soil for 21 years, you can put the older dirt that you dig out anywhere you want on the property, but how are you going to control 21 years worth of erosion effectively?

T.B.: Sedimentation and erosion controls are watched by IDEM. They require that you put in storm water sedimentation basins in, that's the green thing in the upper right hand corner, by the

blue thing, I'm sorry, that try to control the sedimentation and the water flow around the facility. Routine inspections beyond IDEM checking on you to make sure that you've done an adequate job of sedimentation. Routine inspections are handled by what used to be the U.S. Soil Conservation Service, they changed their name to something else recently, I don't know the acronym, but it used to be Soil Conservation, which is your county extension, the same guys that go out and check farmers' soil and things like that. They come by at least once a year because they've been contracted by state authorities to come out and inspect facilities and they can write you up and say hey, you're not doing what you said you were going to do, or you're not doing an adequate job of erosion control and sedimentation control. IDEM has rules in place, that say things like if you have a stockpile of soil and it's going to be there for more than, I forget the time, 6 months - 1 year, it must be seeded. Between IDEM and the Soil Conservation, there are several regulations and rules that you have to follow.

J.B.: That's interesting, because on the existing landfill, there's a huge mountain of exposed soil, and I've never seen it seeded yet, so apparently, they don't follow up on their regulations, or fine anybody. Another question I had, probably for IDEM (to Jeff Sewell) - do past operating practices, and it's basically one and the same on both sides of the road, are their history of operations, citations, fines, and all that stuff, taken into account in the permitting process?

JUS.: Yes. Yes, they are.

T.B.: Let me go back to the other question you had. IDEM, with R&M, has addressed the soil stockpile in the existing facility. There is a requirement we agreed to at the time. We submitted an erosion control plan for that part of the facility, for the stockpile, sometime this spring. We've been inspected twice since then, we actually brought out the IDEM inspector and said okay, let's walk through this, what would you like to see here, what can we get done? On that stockpile on the north end of the landfill. The first meeting was probably some time in April, might have been right around May 1st, and the same inspector returned on June 17, twelve days ago. He saw some of the requirements that he asked for - there's a silt fence around probably 2/3 of it; he requested that we re-grade the top of it to try to get the water to drain to west, towards the railroad tracks and that we put a sedimentation basin in there. The basin is being constructed as we speak. June 17th, shortly after the meeting, in the write-up, he said, checking off 'yes, yes, you've done this, you've done this, you're well on the way', he didn't say we're done, we don't say we're done, either, but work is being addressed and that's part of what your comment was before.

J.B.: I found it interesting when you were talking about the monitoring wells and I think you indicated that the Feddelers had put them in voluntarily. It was curious to me why you wouldn't put any monitoring wells in downstream from the proposed landfill facility.

T.B.: Two answers to that question. First of all, the monitoring wells in the lower right hand corner that we discussed earlier, are related to the existing facility across the street. They were put in voluntarily, the reason was concern about all the Globe waste that went into this facility previously. This brings up a good point that the current application as proposed, proposes not to take any Globe waste, which they stopped taking several years ago. So that was part of IDEM's

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concern, as to why those monitoring wells went in there. Right now, the other dots on that map, could function as monitoring wells if they needed to. So that what we call a ?-ometer, temporary, but constructed exactly like a monitoring well is. More than likely no water monitoring is going to go on.

J.B.: My last comment is that it's very important that all of you understand that it's extremely important to, whatever is said here, that you write this down and send it to the guy from IDEM. That's very important - everybody does that.

Rosemary Michalek: Excuse my ignorance on these questions. A couple of basic questions. I need to understand exactly what materials they're bringing in there. Previous construction material, and what else? Will other chemicals also be brought to them within those materials that would be considered toxic by the authorities?

T.B.: The facility will be called a C/D waste landfill. They will take materials that are left over from construction and materials that come from demolition. I read to you earlier from the list of what is allowed and what isn't allowed.

R.M.: Perhaps I missed that list, but in any case, you have a contract that says you can only bring certain items? And that can't change for the duration of the contract, correct?

T.B.: Yes.

Randy Lukasic: I don't know what I want to say, I've got a lot of things on my mind. First of all, I want to let you know I've been married 25 years and I currently operate a shooting preserve. When I first came down to this area, I had remonstrators. What I did was, at the time, I didn't understand what the problems were. Now, 25 years later, I do understand. My neighbors at the time, were my remonstrators, have learned and we have grown together, sharing our kids, raising them up together, we have become friends. There might not be a correlation to this landfill issue, but I'm currently employed by R&M Landfill, the Disposal. I recall a couple of times going down to a local coffee shop, talking amongst friends I have known for many years. Once I became an employee, I became something of an outcast. Some of these folks are in this room today. I understand some of your complaints. The high hill mentioned, adjacent neighbors having some kind of complaint. And I also didn't understand why I was seeing some trucks from Illinois coming into the landfill; at first I was real concerned. Now that I have been employed here for approximately 3 months, my thoughts have changed. I'm sure some of you are thinking 'he's getting paid by the company' - I am, along with 18-20 other families. The Feddeler family was born and raised here, they went to school with a lot of folks. I know Bob Feddeler umpired for many years. I know he's donated to the town of Lowell. I know what kind of people they are, and I understand his kids are taking over the business. They aren't going to allow anything in this landfill that's going to be toxic, anything that's going to be hazardous, anything that's going to get them into any type of trouble with the state. They have to make a living, too, they have to raise their family. What I find hard is that someone would try to come in and turn down their dream, like they did with me. Being again an employee, I ask any of you folks to come out and look, look and see, I had my thoughts, also. Illinois, yeah, there's trucks coming in there, we're

four miles from the state line. There's other businesses up and down the road here and some folks here that are in business and live close to the landfill, that have Illinois people dealing with them. I haven't heard no mention of that. When you come out to the landfill as I did and I saw that pile of debris, such as metal, and I saw a pile of mattresses, and I saw a pile of bed cushions, anything that we can't take, I see that set to the side. And I see tires out there. Some of the questions about what comes into the landfill, I didn't know either, myself. Now I'm concerned myself. To try to end this, the I understand the adjacent landowners may have a legitimate bitch, with their property values. I think at any given time, if that were to happen to me 25 years ago, if my neighbors were to come up to me and say what are you doing, we'd like to understand and see what you're doing, I'd show them, I'd prove to them that my operation running on a day to day basis, I have no complaints. I just wish that some of the people would put more of their time and efforts toward the landfill that's going to have garbage in it, and we all know which one that is. In the situation here, bricks, block, wood, any item we cannot take is taken out. Someone mentioned a little bit of garbage; very seldom do you see any garbage in the dumpsters - I sweep them out. I eat dust - all the stuff goes in and is covered. I didn't get paid to come down and talk. I just wanted to voice my opinion and I think that the people that are here, again adjacent landowners that have legitimate gripes, come down see the operation, see what it's all about. Some of the other folks I think you should spend a little more of your time and your efforts on the landfill that will take garbage. Thanks for your time.

H.K.: That was very nice, and I suppose they appreciate it. I was one of the neighbors that went out there a couple of years ago, taking pictures of their landfill and a couple of them came up after me; they threatened my life. Is that good neighbor policy? Is that a good neighbor policy? They even sent the game warden out there; they told the game warden that I was out there shooting in their landfill. Is that a good policy? Thank you.

J.J.: I can appreciate what you're saying but you would also appreciate that 90 feet high is taller than the towers a couple of miles to the north of State Route 2. 90 feet - I can't believe that anyone could change the contour of the land, let alone what else is going in.

??: I have a few questions - the transfer stations. Do you take waste from transfer stations coming out of Illinois?

T.B.: Yes.

??: What's happening, that's probably why your percentages are down, because they lose the fact that it's coming from Illinois. Once it hits the transfer stations, we bomb out on the other landfills; they have no record of where it comes from after that. So the records that say it comes from Indiana could be very invalid and you're saying it's less than 2 years ago. Well, they add on other stuff and they may put down that it's from Indiana, not Illinois.

T.B.: Let me answer that one first - the real reason the percentages are significantly changed doesn't have anything to do with transfer stations. Two or three years ago, Feddelers basically owned the landfill. Didn't own many trucks, didn't own many roll off boxes. Today, they own over 300 roll off boxes. What we're saying is the percentage changed, because they don't need to

rely on Illinois stuff any more, because they're getting business right here in Lake County with their own trucks and their own roll off boxes. So we are accurate on the percentages.

Gerry Scheub: You also said you've been before the Drainage Board. I've been the president of the Drainage Board for the last 2 ½ years. I just want to know when were you there and what approval you got or what transpired? Because I don't recall.

T.B.: I don't have the exact case, but I can somewhat qualitatively answer that question. Lake County hired a firm called Chris Burke Engineering to review the preliminary plan and that was done and there was a letter of response from the county surveyor prior to the County Council approval for the conditional use. I'm saying that wrong, they call that PVB here, or something? Basically, conditional use with special conditions - that was done in June of 1997. So the work with Chris Burke Engineering, who happens to be a competitor of mine, a specialist in storm water and water control issues, had been prior to the County approval.

G.S.: It didn't go to the Drainage Board, it went to the surveyor, but not to me.

T.B.: I can show you the documents that we have, if you want to see those.

G.S.: Yes, I'd like to see those.

T.B.: Okay, but Chris Burke Engineering basically does nothing but water engineering, so that's why I said that.

G.S.: ??

R.N.: The letter that I saw when the application was made for the original C/D permit, was the letter from George Van Til, the county surveyor, which said it in his opinion, it wasn't a Drainage Board issue without parameters. That was accepted, as I understand, by the County Council as recommendation that they didn't need to go before the Drainage Board. Prior to that and probably 3 - 4 years ago, before Mr. Scheub came into office, they did make an application that was withdrawn, basically because the county did go looking for Drainage Board approval. So the Drainage Board never heard this plan the way I understand it. The surveyor said they did not need to hear it. The information we received before when we were fighting this on the permit level - it's the only letter we ever saw.

Karen Kales: I live across the street from the north side of that small subdivision and I know no one, so, this is in no way personal. My question is, you have the existing stockpile on the north side. And in all respect, Mrs. Brown, and my daughter sold you Girl Scout cookies, so this is not personal, please believe me, but you have a beautiful tree line that separates your property from this stockpile of dirt. I look out my kitchen window every day and see this stockpile of dirt. I lost my sunset. So I can see where the people are concerned of the south side getting this landfill. I know you have put some procedures in place for the stockpile of dirt and the drain basin and sediment stuff and that's fine, and leveling off the top. But still, this is Mount Mud to me. I mean, do you have any plans to grass, to return it to its natural state, with grass, anything? I'm

fight fugitive dust in my home ever day. So, I can see where they're concerned about having a larger pile of dirt. I just need an answer. And, as I said, this is not personal, this is just a concern of mine.

T.B.: The one question there about whether we're going to sod it or not. That was part of the plan that we talked to the gentleman over here about. This IDEM inspector came out twice and we went through a list of what he'd like to see for us to do with that stockpile. Part of the reason why nothing has been done at this point was that a portion of that dirt will be removed from there to put back onto the landfill when it closes up, which will be fairly soon. I can't give you a date, I don't know when that will be. But it's soon.

K.K.: ??

T.B.: I don't want to misspeak and give you the wrong answer. If you want to tell me your name, I'd be happy to write it down and we'll get back to you. The second part of it, what does remain there - part of IDEM's plan was to get some vegetation on it. Which means to seed. Okay?

K.K.: ??

T.B.: No, that's what I said - a portion of that soil is planned to go back onto the land fill as final cover. Now, I said I don't want to misspeak at the moment.

??: It's my understanding that there are no monitoring wells required for the clean use facility, is that correct?

T.B.: That's correct.

??: Why are there monitoring wells south of the existing facility on Highway 2?

T.B.: They were trying to understand the geological ?? at the existing facility and neither of those monitoring wells at the existing facility are related to the Globe waste. If you had a restricted site right now, there is another classification of landfill in Indiana, if it's a landfill that takes a bunch of industrial waste, it can be called a restricted waste site, which is different from a C/D landfill. This landfill started out a little bit of both, long before that regulation ever existed. There wasn't a definition or difference between restricted and C/D. So, now there is a C/D only facility, there is still a concern about the Globe waste that went in there long before those regulations existed. So, IDEM came to Feddeler's and said : Look, we'd like to put some monitoring wells in, try to see if the Globe waste is having any impact on ??.

??: The stockpile that is existing on the north side now, how high is that? How high is the stockpile behind your house now?

T.B.: About 35-40 feet.

?: That's all? I'd like all of you to go by there and see this 35-40 foot hill behind these peoples' residences. I don't think this would be a nice contribution to our community. It's quite unsightly. Not something you'd want in your back yard. My question also, on this 17.8 acres, is that where the landfill will be, and the stockpile for that will be south of that?

T.B.: Yes.

?: Okay, approximately how far off of Route 2 will this second stockpile be started?

T.B.: The stockpile most likely would be to the left on that drawing, which would make it further away from State Road 2 than the 17.8 acre landfill.

?: I understand that. How far away from Route 2?

T.B.: I'm sorry, I work with this gentleman right here, I'll try to get you a numerical answer here. On the outside answer, in a quick sense, and I apologize we don't have the exact number for you. Basically, off of Route 6 here, my understanding that that's about, or I'm sorry, Route 2, that this is approximately about 600 feet right here. This will probably be about another 1,000, 1,200 feet. Two thousand feet? That it? No, down to the creek. That's 2,000 feet here? That's 2,000 feet, so that's almost half a mile off the road. You can see relative proportion, that's probably 500, 600 feet there, then the landfill. The soil stockpiles would most likely be here, and here. Any other questions?

John Russell: I live directly west of the proposed landfill. Those three ditches come in from our land. I have had problems with that middle one with blockage, on the east side. What's going to happen if they start stockpiling dirt on that, south of that landfill? Are they going to block up those ditches again, where we're going to have problems backing up into us? I don't want it.

T.B.: Well, as I said earlier, there's debate about whether we can do anything with those ditches. As it stands right now, may I finish, I'm trying to answer your question. As it stands right now, it's IDEM's contention that we cannot alter the flow of these ditches at all. There is no proposal to alter the flow of these ditches whatsoever. Okay?

J.R.: Number 2 - us adjacent landowners, are we going to be allowed, any time that we want to, to come in and see what's coming in there? If not, I think we should be allowed to do it.

T.B.: Yeah, as it stands right now, if somebody wants to see the operation, my understanding is to relay that to Julie, she'd be happy to have you come in, she'll take you to the working place. Has anybody else not asked a question, first?

Mr. Krucina: As you know, there's a pretty good-sized subdivision just south of your 90 foot pile of dirt. Most of those people over there have a good size of their income in their homes. Most of those people are coming close to retirement age. A lot of these people would like to move and live comfortable in retirement. What do you say to these people when they can't sell their house? Because, who's going to want to buy a house, when a prospective buyer comes up

there, and says: My God, what's that 90 foot thing back there? Oh, that's a dump. You can bet your booties that he's going to go someplace else in Lake County and buy a home, where there's no dump. We'll be stuck in that subdivision, with a worthless house.

T.B.: Anybody else?

R.L.: I'd like to comment on that there, what that gentleman was referring to. What about the Feddeler boys? And the girls? What about their families? What kind of living can they make? Why should they be shut down? What about the employees again, all the families that they feeding? I understand it's like the airport, same thing with the airport, moving next to an airport, and such. Progress is progress. It's not their fault.

Mrs. Krucina: I'd like to know how the right of one business can supersede x number of homeowners who thoroughly do not want this in their back yard? What gives the state or the business the priority over - I thought the majority would rule. I mean, we all do not want this, we are adjacent landowners. I have the first house south of the dump. I don't want the garbage to come down the creek flooding into my back yard. I moved out there because I wanted a nice, peaceful country setting. I wanted to be able to live there without seeing garbage. That's why we moved out of north region. We came down here, we wanted quiet. We don't want to hear machines running. But yet, you are going to take all of that away from us, as well as our property values, plus the contamination of our wells, possibly.

T.B.: Okay, is there anybody who hasn't had a question yet?

??: You mentioned Globe waste - is that hazardous waste?

T.B.: My understanding of it is that it is not. My understanding is that it is taken to Newton County landfill right now, which is not allowed to take hazardous waste, so therefore, according to the state of Indiana, it is not hazardous waste.

B.B.: I've got one question and one comment. Number one - isn't the primary concern at the existing landfill not necessarily Globe waste, but chemicals that were dumped there in the 1960's from Michigan and other places, fully documented by IDEM?

T.B.: I don't know that there's been anything documented by IDEM. We've discussed this issue before. There's an allegation, there's loose discussion that perhaps some things went in there. There's no concrete evidence that says that any Michigan waste or anything else went in there that shouldn't have gone in there. I can tell you this much: is that what rules that operated at any landfill in the 1960's vs. the 1970's vs. the 1980's and then again vs. the 1990's are completely different. It's night and day. Okay?

B.B.: Did you state that some of the wells that are designated ? are to be used as groundwater monitoring wells?

T.B.: Yes.

B.B.: How is that possible, when the existing aquifer that runs to the south and southeast of the current 9, 7, 2, and 11 wells? They run to the southeast or to the south-southeast. Off of the property.

T.B.: Sir, water rolls, moves everywhere in the world, not just off of this property, okay? The monitoring wells here, that we were talking about, these wells have the potential to be converted to monitoring wells, yes. If the state requires us to put additional wells in over here, then that's what we'll have to do. Any other questions? We'll take a couple more, I think everyone's had a chance. You're going to wear me out before long, so...

M.: My question is, is that well at that Farm Bureau Co-op there the distance required away from the dump?

T.B.: There is a setback to water wells or wells used for a residence or dwellings, and we do meet that setback requirement.

M.: The other question is, if there is no scale at the dump now,

T.B.: There is a scale at the dump.

M.: They're weighing every truck?

T.B.: Yes.

M.: Okay, I'm misinformed, then.

H.K.: I'd like to fill you in a little bit on the zone change they got for the C/D dump. They went for a zone change to the County for the C/D dump for the whole 93 acres, it was 92 acres at that time, 93 acres. That's the letter that you were telling Mr. Scheub about, ~~some~~ ^{SOMETHING} Scheub over there, about somehow taking a look at plans, and so forth. Well, then it was, we fought the 1/2-mile rule, from that it was cut down to 60 acres. Now, IDEM says you go down to 18 acres, let's call it. So, the landfill has not been, as far as I'm concerned, okayed by nobody because nobody looked at the plan. The surveyor didn't, the Drainage Board didn't.

Number 2 - you were talking about sedimentation? Okay, the DNR takes care of sedimentation of land. The DNR and IDEM and Soil & Water goes out there and they check the landfill. In the last 2 1/2 years, they have checked twice a year, and out of the last 2 1/2 years, that there would make 5 times that they were checked in the last 2 1/2 years for sedimentation and erosion. In that period of time, of 2 1/2 years and 5 inspections, they were not in compliance 9 times out of 10 times, they were in noncompliance. Twice a year, twice a year, ten times, I'm sorry. Five times, twice a year, so that makes ten times.

T.B.: All right, this will be the last gentleman. We seem to have gone around, everyone seems to keep discussing the same issues. There'll be a point in time, whether it's this landfill or a

Notes from the 6/29/99 Public Meeting held by West Creek Prairie, L.L.C.

shopping mall, or expansion of U.S. 30, or whatever it's going to be, certain people are going to agree to disagree. Okay, and that's certainly in everyone's purview to do that. Okay? We tried to give you guys some answers to some questions tonight. Hopefully, some of you, that meant something to you. Some people, it's probably not going to mean a whole lot to you. But we tried, and I think that you heard from R&M Enterprises, is that if somebody has a question, feel free to come in the front door and ask. If you'd like to go to the working places and look, and observe what wastes are there, they said they'd allow you to do that at any time. So, and I'll take this question and go ahead and conclude the meeting.

R.N.: Thank you. Is Randy still here? Randy? On the comment that Randy made, I've known Randy for a long time, and I respect him, and he's a good friend of mine. But he made a comment that everybody should be allowed to make a living, the families should make a living, and we should all work together.

In my opinion, when this application was made, the application went to the Lake County Planning Commission, before the board. R&M made their presentation to the board; the remonstrators made their presentation to the board. They waived all decisions that were made that night and went on for 6 months. The Lake County Planning Commission is charge with representing unincorporated area of Lake County; that's their job. They voted 8-0 to deny this permit for a C/D landfill. It did not fit the Master Plan, it did not fit their program, there's too much problems with it and they decided it was not good for the county. Then it went to the County Council for final approval or rejection. They had gone to Plan Commission's application for what they said. They did not agree with the Plan Commission, they overturned the Plan Commission 5-2 and voted to grant the C/D landfill. So, we did allow them to make their presentation and try to put a business in there. And we remonstrated and we did what we were supposed to do; and it was denied and it was overturned again. You can make political issues. Again it was denied by 5 council members north of U.S. 30 - north of U.S. 30, telling us what we need in our area. When's the last time we told Highland or Munster or Griffith what they can do?

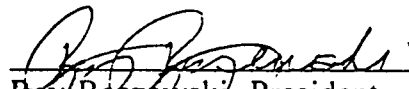
I just wanted to respond there, Randy. I know you've lived here a long time, and I know you and respect you, but we're here to allow them to move their route and it was denied and then they went and got a change of decision from Lake County Council. That's where it's at. Thank you.

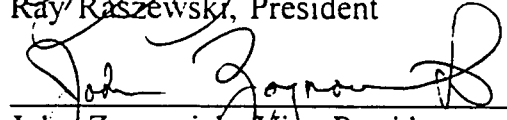
T.B.: Okay. I tried to do the best I can. I appreciate you all showing up. Again, you saw a fact sheet there. There will be a public hearing sponsored and moderated by IDEM. There will be a notice in the newspaper; it has to be in there 10-14 days prior to the meeting. And thanks again for showing up.

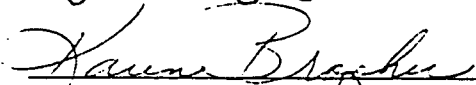
NOW, THEREFORE, BE IT RESOLVED by the Lowell Town Council as follows:


That the Indiana Department of Environmental Management deny the application of R & M Enterprises, Inc. for the West Creek Prairie Construction Demolition Site landfill due to the lack of need for such a landfill and/or the irreparable harm and adverse consequences to the ground water, the environment and the health and safety of the residents in and around West Creek Township, Lake County, Indiana that would result from permitting said landfill.

RESOLVED AND ADOPTED by the Lowell Town Council on May, 10 1999 by a vote of 5 in favor, and 0 opposed.


Ray Raszewski, President

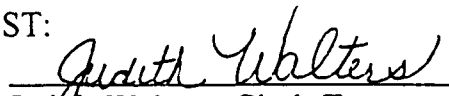

John Zagrovich, Vice President


Karen Brooker, Member


William Dunn, Member


Larry Just, Member

ATTEST:


Judith Walters, Clerk-Treasurer

RESOLUTION NO. 1999-11

RESOLUTION OPPOSING THE APPROVAL OF A WEST CREEK PRAIRIE CONSTRUCTION DEMOLITION LANDFILL

WHEREAS, R & M Enterprises, Inc. currently owns and operates the Feddeler Construction Demolition Landfill located along the north side of State Road 2 in West Creek Township, Lake County, Indiana; and

WHEREAS, R & M Enterprises, Inc. has admitted that over the past three years approximately 63% of all waste deposited in the Feddeler Construction Demolition Landfill has originated from sites outside the State of Indiana; and

WHEREAS, on July 13, 1998 R & M Enterprises, Inc. submitted an application to the Indiana Department of Environmental Management (IDEM) requesting a construction and operation permit for the West Creek Prairie Construction Demolition Site located on State Road 2, West Creek Township, Lake County, Indiana; and

WHEREAS, the initial application submitted by R & M Enterprises, Inc. for the West Creek Prairie Construction Demolition Site sought approval for a 60.8 acre Construction/Demolition Landfill on a 93.7 acres site capable of accommodating 5 million cubic yard of waste and thereafter said application was revised by IDEM to a 17.8 acre Landfill capable of accommodating 1.1 million cubic yards of waste; and

WHEREAS, both the existing Feddeler Construction Demolition Landfill and the proposed West Creek Prairie Construction Demolition Site are located less than one mile from the western boundary of the Town of Lowell, Indiana; and

WHEREAS, the permitting of the proposed West Creek Prairie Construction Demolition Site will substantially increase the threat of pollution to the ground water and local environment caused by the existing Feddeler Construction Demolition Landfill and will also increase the potential harm to the health and safety of the public caused by dramatic increases in truck traffic along State Road 2 and the surrounding areas.

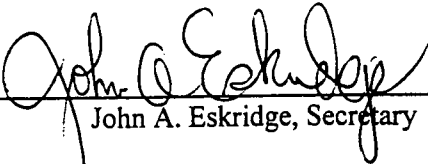
WHEREAS, the permitting of the proposed West Creek Prairie Construction Landfill will potentially have a negative impact on the tax basis for West Creek Township, Lake County, IN, thereby decreasing funding for the students of Tri-Creek School Corporation.

NOW, THEREFORE, BE IT RESOLVED by the Tri-Creek School Corporation as follows:

That the Indiana Department of Environmental Management deny the application of R & M Enterprises, Inc. for the West Creek Prairie Construction Demolition Landfill due to the lack of need for such a landfill and/or the irreparable harm and adverse consequences to the ground water, the environment, and the health and safety of the residents in and around West Creek Township, Lake County, Indiana; and the negative impact on funding for education that would result from permitting said landfill.

Resolved and adopted by the Tri-Creek School Corporation Board of School Trustees on May 27, 1999.

ATTEST:




John A. Eskridge, Secretary

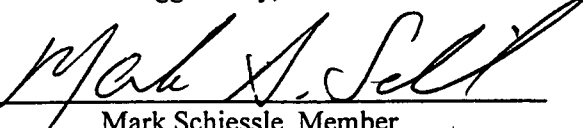
**TRI-CREEK SCHOOL CORPORATION
BOARD OF SCHOOL TRUSTEES:**



Cheryl L. Rosevear, President



Suzette A. Vauter, Vice President

Gregg Holley, Member


Mark Schiessle, Member

the Rule of the school
board is you have to
be present to vote
and that's why
Mr. Volley did not
sign

UTION 99-2

approval of a West Creek Prairie Demolition Landfill

erprises, Inc. currently owns and operates the
ndfill located along the north side of State
p County, Indiana; and

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WHEREAS, both the existing Feddeler Construction Demolition Landfill and the proposed West Creek Prairie Construction Demolition Landfill are located less than one mile from the western boundary of the Town of Lowell, Indiana; and

WHEREAS, the permitting of the proposed West Creek Prairie Construction Demolition Landfill will substantially increase the threat of pollution to the ground water and local environment caused by the existing Feddeler Construction Demolition Landfill and will also increase the potential harm to the health and safety of the public caused by dramatic increases in truck traffic along State Road 2 and the surrounding areas.

On Permit Application
in page 3
term short was
a Town Manager for
9 mos' Council members
are listed Below
affected Gov officials

ION 1997-18
OPPOSITION

Lowell, Lake County, Indiana wishes to safeguard the

ing residents rely on the aquifer within South Lake County

Lowell, Lake County, Indiana wishes to protect the water
and,

he citizens of Lowell feel that any landfill that endangers the
not promote the public health, safety and welfare: and,

WHEREAS, the
quality of water in South Lake

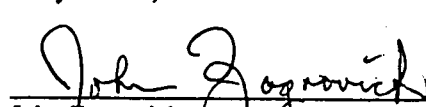
WHEREAS, the Lowell Town Council wishes to protect the property values in and around the Town of Lowell that a landfill may affect.

NOW, THEREFORE BE IT RESOLVED that the Lowell Town Council proclaims it's opposition to the addition or expansion of any landfill that may threaten the water supply or property values of residents of the Town of Lowell or South Lake County, Indiana.

PASSED AND ADOPTED this 28th day of July, 1997.

LOWELL TOWN COUNCIL


Larry R. Just, President

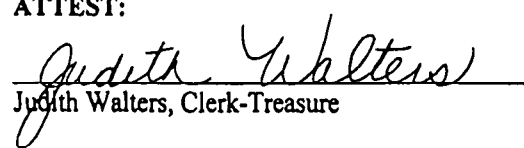

John Zagrovich


Sam Oliverio


Ray Rasza


William Dunn

ATTEST:


Judith Walters, Clerk-Treasure



LAKE COUNTY PLAN COMMISSION

PLANNING & BUILDING DEPARTMENTS

2293 N. MAIN STREET
CROWN POINT, IN 46307

755-3700

755-3701

374-5955

24 HOUR ANSWERING SERVICE 755-3702

March 18, 1997

Nicole McClain, NRCS
928 South Court Street, Suite C
Crown Point, Indiana 46307

Re: Comments on R & M Landfill Proposal

Dear Ms. McClain:

On April 1st, 1997, R & M Enterprises will be petitioning in front of the Lake County Plan Commission for a proposed rezone to allow them to expand their construction and demolition landfill. We are requesting any comments or concerns that NRCS or the Lake County Soil and Water Conservation District may have regarding this proposal. Please submit these comments to our office on or before March 27th in order to be considered at the meeting.

If you have any further questions, please contact our office at 755-3700. We thank you for your cooperation in this matter.

Sincerely,

LAKE COUNTY PLAN COMMISSION

Mitchell W. Barloga II, Planner

important to be a good neighbor - Trust - Reputation - history - petitioner has problem -

(7) History of operators not the best

↔ (4) No protection for bad water reclamation

(5) Land remaining farmable therefore petitioner may not be harmed sufficiently through

(8) have met out near the location

4 No plan to handle mixture of chemicals in ground water

(1) Not constant with the commission

(2) Special flood hazard area of designated special flood hazard

(3) Don't believe we have been supplied with enough information - from agencies necessary IE LCS&O Air and soil etc -

(6) Substantial taking to allow a different use of property and wishing to to down land to a higher water use.

This is a letter to
NRCS. The Members
or Supervisors note
their comments on
this letter. Lake County
Soil & Water people.

tion of comments on letter. H.R.

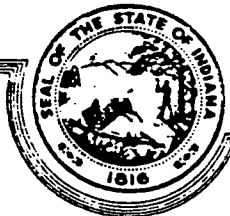
with Lake County Comprehensive Plan.
Hazard Area Designated Flood Fringe
& have been supplied with enough
on necessary agencies, LCSD - Drainage

bad ~~water~~ water reclamation

5. Land remain farmable
6. Adjacent landowners wishing to develop land
to a higher & better use.
7. History of operators not the best

STATE OF INDIANA

ENVIRONMENTAL MANAGEMENT BOARD



2B2
INDIANAPOLIS 46206-1964

1330 West Michigan Street
P. O. Box 1964

May 29, 1984

VIA CERTIFIED MAIL

Mr. Edward J. Feddeler
21101 Wicker Avenue
Lowell, IN 46356

Dear Mr. Feddler:

Re: Denial of Operating Permit Renewal
for the Feddeler Solid Fill Site
Lake County

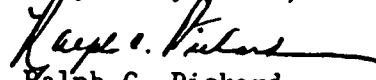
You are hereby advised that review of information submitted in a renewal application for an operating permit for a solid fill site which we received on February 27, 1984, has been completed. The renewal of Operating Permit No. 45-8 for the Feddeler Solid Fill Site is hereby denied in accordance with IC 13-7-10-5 of the Indiana Environmental Management Act, for failure to substantially comply with the conditions of your permit.

As a result of this denial of the renewal of the Operating Permit No. 45-8, you are hereby ordered to properly close the Feddeler Solid Fill Site within 30 days of the the date of this letter. A compacted final soil cover shall be applied to all landfill operation areas by August 1, 1984. This final cover shall be not less than two feet in depth and have a slope not less than two percent without depressions. Vegetation shall also be established to prevent erosionl effects.

Within 60 days of the closure of the site, a detailed description, including a plan, shall be recorded by the owner or operator within the county's land recording authority. The description shall include general types and location of wastes, depth of fill, and other information of interest to potential land owners. The owner or operator shall maintain surface contours and exercise any necessary controls over gas or leachate produced.

This decision may be appealed in accordance with IC 13-7 in writing to the Environmental Management Board within 15 days of the receipt of this letter.

Very truly yours,


Ralph C. Pickard
Technical Secretary

MWE/jd

cc: Lake County Commissioners
Lake County Health Department
Mr. Dan Magoun
Mr. Stuart Miller
Mr. Christopher Oppy'

Drainage Board

City Government Center

North Main Street
Point, Indiana 46307

55-3745 Fax: (219) 755-3750

Technical support

Surveyor George Van Til

Edm. Larry McClelland

Shirley Williams

Consulting Engineer

Christopher B. Burke Eng. Lt.
Engineer Michael Kerr

Mike Burr

April 12, 1995

Dear Mr. Feddeler:

At the Lake County Drainage Board meeting on Tuesday, April 11, 1995, a number of people questioned Board members, Lake County Surveyor, George Van Til and staff regarding excavation and filling operations on your property near the Bruce Ditch. Questions included who gave the authorization, issued permits, what plans were submitted, were any other permits necessary, etc.

It was explained that at a meeting held with your representatives some four or five weeks ago, all necessary items were discussed with respect to what was necessary to submit to the Drainage Board and the Lake County Surveyor for review. Presently the Board and Surveyor had not received anything nor had any further discussions with you or your representatives.

As a result of the above, I was instructed to perform an inspection of your property lying on the West side of Bruce Ditch and South of State Road 2 and report back to the Board and Surveyor. The following observations are hereby noted and shall be considered my report:

- A.) Approximately 1' to 3' of topsoil has been stripped from an area 400' \pm deep by 200' \pm wide.
- B.) Said stripped area encroaches on the 75 foot wide drainage easement by approximately 60' \pm wide x 200' along the ditch.
- C.) Very near the West bank top, various trees, limbs and roots have been pushed from what appeared to be the results of a grubbing operation, typical of a stripping action.
- D.) The original ground in this area appeared to be approximately 4' to 6' lower than the pavement/shoulders on S.R. No. 2 and fill material in areas West of the above mentioned location (paragraph A) consisted of various demolition debris/materials, i.e., concrete, concrete blocks, bricks, lumber, bituminous pavement, etc.

After some 10 minutes of observation, you presented yourself as the owner and briefly explained your intentions as follows:

- 1.) The debris/material would be capped with 1' \pm of top soil and seeded, that evergreens would be planted along the frontage for asthetic purposes and it would look nice.
- 2.) You had I.D.E.M. approval via a telephone conversation, but nothing documented

*proposed landfill
South side ST R 2
new permit
this one was mentioned
to Mr. Palin*

(no I.D.E.M. written permit).

3.) You didn't know or think you needed any other permits since you had I.D.E.M.'s.

At a meeting held in the Lake County Surveyor's office on March 9, 1995 at 1:00 P.M. attended by George Van Til, Lake County Surveyor, Barney Stodola, Tris Miles, Larry McClelland, (all Surveyor's staff) and James P. Cagnina Jr., Government Consultants, Inc. and Tim Miller, Engineer with Snell Environmental Group, both representing R. & M. Enterprises, Inc., (Robert Feddele, President), requirements were related to these representatives for a clear understanding of what would be necessary with respect to the Surveyor's and Drainage Board's review regarding the 92 acre proposed construction and demolition debris landfill on the South side of State Road 2.

Said representatives acknowledged same and indicated that it would be some time before they had all the data, engineering, permitting, (I.D.E.M., I.D.N.R., Corps) as necessary.

In reviewing all the above with you personally and in a telephone conversation with Jim Cagnina, my conclusions lead me to believe at the very least there are unintentional communication gaps between you and your rep's.

Regardless of any misunderstandings, misinformation, etc., you are hereby ordered to cease and desist the operations mentioned above until such time that you present proper engineering plans and specifications along with all other appropriate applications to other jurisdictional entities, i.e., I.D.E.M., I.D.N.R., U.S. Army Corps of Engineers, etc.

I suggest that you review same with your representatives.

If you have any questions, please contact me.

Very truly yours,


Lawrence J. McClelland,
Drainage Administrator

LJM/sw

CC: James P. Cagnina, Jr., G.C.I.
George Van Til, Lake County Surveyor
Lake County Drainage Board and Advisory Committee
Wilbur Cox, Lake County Plan Commission
Tim Miller, SEG
I.D.E.M.

August 22, 1975

VIA CERTIFIED MAIL

Mr. Ronald Venema
Home Sanitation Service
P. O. Box 453
Crown Point, Indiana 46307

Dear Mr. Venema:

Re: Disposal of Solid Wastes
at Feddeler Dump
Lowell, Lake County

During the inspection of the above-referenced dump on August 8, 1975, it was learned that your company hauls refuse to this site.

The operations at the subject site have been ordered to cease. Please notify this office, in writing, within two weeks of the date of this letter of the one or more approved sanitary landfills to which your company will divert the types of refuse now being deposited at the Feddeler Dump.

Very truly yours,

Brian W. Opel, Acting Chief
Solid Waste Management Section
Division of Sanitary Engineering
AC 317/633-6400

BWO/cz

cc: Honorable Ernest Niemeyer
Lake County Health Department
Mr. Ed Feddeler

bcc: Brian Opel
Dan Magoun
Claude Goodley
Johnnie Baker

STATE BOARD OF HEALTH

INDIANAPOLIS

OFFICE MEMORANDUM

DATE: December 11, 1975

FROM: George Dayhuff

TO: Files

SUBJECT: Feddeler Dump
Lowell, Lake County

On December 1, 1975, Mike Finton and I performed a site survey for E & E Feddeler at their property one mile west of Lowell on State Road 2 in Lake County. This property is presently being used as a dump for everything except garbage. The reason the site survey was performed was because the Feddelers expressed a desire to obtain a sanitary landfill permit.

Mike and I informed Mr. Ed Feddeler that the operation of their dump was illegal and that no matter what he would have to obtain permission from the Stream Pollution Control Board. We left the matter there and the Feddelers told us they would be in touch in a week to inform us whether they wanted a full sanitary landfill permit or simply a restricted permit.

GD/mb

Indiana Department of Environmental Management
Office of Solid and Hazardous Waste Management
Solid Waste Compliance-Inspection Report and Comments

Page 1 of 1

IN-IRCF-8-95

Date: <u>6-14-96</u>	Time: <u>11:05 Am</u>	County: <u>LAKE</u>
Facility: <u>FEDDELER CID SITE</u>		
Location: <u>SR 2 1/2 MILE EAST OF US 41</u>		
Permit # <u>45-0008</u> or Non-permitted <input type="checkbox"/>		
Inspected by: <u>Wm Lukens & Dan Deen</u> <u>Robert Lamprecht</u>		
Comments:		
<p>On the above date, an inspection was conducted. Inspectors observed the following: A Compactor was operating in the working cell which was located on the South side of the landfill. A bulldozer was also working in the cell area. Some young male employees were removing pieces of metal from the debris or storing the materials to put in a roll off box. Inspectors noted Garbage on the bottom of the North slope. According to management, the garbage rolled off one of the slopes during heavy rains. It is going to be cleaned off the slope & taken care of. Inspectors reinspected the East side of the property & found no paper or debris.</p> <p>329 IND 10-36-102 (COVER RESTRICTED WASTE SITE THEM) CID SITES LANDFILL MANAGEMENT IS AWARE OF PROBLEM NOT ABLE TO CLEAN UP BECAUSE OF MUD BEING SO DEEP.</p> <p>Inspectors reviewed new rules with MANAGEMENT</p> <p>Inspectors informed that management has now obtained a third compactor. Management has furnished vest rooms, washing machines, first aid kits, water, fire extinguishers on site.</p>		
Received by: <u>Phil Feddler</u> <u>R+M</u>		

July 6, 1995

Memo to: Laura Steadham
From: Tom Daugherty
Subject: Feddeler Landfill Survey

Dean Biddle, a neighbor of the above-referenced landfill, sent IDEM a complaint letter requesting that a height check survey be performed at the site. Per Daniela Klesmith's request, a site survey was done by Mike Cox, Mike Sonnefeld, and me on June 16, 1995. Inspector Bob Lamprecht was also there for part of the day. Attached is a site map with the results of the survey.

We found no violation of the height requirements at the Feddeler landfill. The field elevations are at or below elevations designated in the permit application map. The only points above the permit elevations are temporary soil stockpiles. It is not recommended that any further action be taken on Mr. Biddle's complaint.

However, several other things were noted during our on-site visit. The entire site is very rough in appearance, with vegetation being sparse on the side slopes of the field areas. We were there on a Friday evening - the landfill had closed for the day with no apparent attempt to apply the weekly cover on the working face. Construction/demolition waste had been stockpiled - the site was not permitted to accept this (in fact, I believe Bob Lamprecht wrote a violation notice for this while we were there). Several pieces of junk equipment were scattered here and there.

Along the east side slopes, a lot of trash was in evidence against the property line fences. In an excavated area at the northwest corner of the fill, leachate leakage was in evidence in several spots - this was running to the storm drainage stump and being pumped out to the adjacent waterways. Dust control for truck traffic was non-existent.

The sum of all this is a perception on my part that the landfill owners need to pay more attention to environmental concerns. My conversations with Bob Feddeler revealed a lot of professed ignorance on his part about permit height and general requirements (since that time, he and his engineer met with Aaron Lauster and the new C/D permit requirements were reviewed line-by-line). I would recommend that his site be inspected as often as possible - at least until we can be assured that the landfill operator is familiar with the permit requirements and displays a willingness to comply with them.

Please contact me if further information is needed.

cc: Aaron Lauster
Leah Fouty
Daniela Klesmith
Ghodrat Hiadari

August 20, 1975

VIA CERTIFIED MAIL

Mr. Arthur Schwartz, President
Organic Chemical Company
3291 Chicago Drive
Grandville, Michigan 49418

Dear Mr. Schwartz:

Re: Disposal of Hazardous Wastes from
Spartan Chemical Company at the
Feddeler Dump, Lake County

During the inspection of the Feddeler Dump on August 8, 1975, it was learned that hazardous wastes from your company are deposited at this site. This was confirmed during your telephone conversation with Mr. Brian W. Opel on August 18, 1975. During this conversation, you indicated that your company has approximately 500 additional barrels of wastes to be disposed of.

Hazardous waste disposal must be approved by the Solid Waste Management Section on a case-by-case basis. For each hazardous waste proposed for disposal at an approved sanitary landfill, a written request for approval must be submitted to the Solid Waste Management Section for consideration. The request must include an analysis of the chemical constituents in the waste, both qualitative and quantitative, and the physical characteristics of the material, including percent solids and viscosity. The request must also describe the process involved in the generation of the waste, the proposed disposal area, and the waste hauler. The amount of waste per unit of time (e.g. gallons per day, cubic yards per month, etc.) must also be submitted.

The staff of the Solid Waste Management Section will review the information submitted and determine, first of all, whether the waste is suited for land disposal and then what disposal method should be used. If the operator has an idea of what method he wishes to use for disposal of a particular waste, that information should also be submitted. If a hazardous waste is approved for land disposal, a letter will be sent to the generator, the hauler, and the landfill operator granting approval for disposal, and describing how the waste should be disposed. Until such a letter is received, the waste cannot be disposed of at a landfill.

Mr. Arthur Schwartz, President
Organic Chemical Company

August 20, 1975

The operations at the subject site have been ordered to cease. Please submit to this Board, in writing, within two weeks of the date of this letter the required information mentioned above.

Copies of the Environmental Management Act, IC 1971, 13-7, the Refuse Disposal Act, IC 1971, 19-2-1, and Regulation SPC-18 are enclosed. Also enclosed, as you requested, are a copy of Regulation SPC-17 and a list of sanitary landfills approved for non-hazardous wastes.

Enforcement action in this matter is being considered.

Your prompt response will be appreciated.

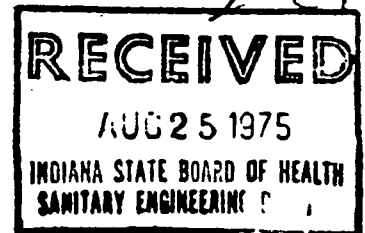
Very truly yours,

Oral H. Hert
Technical Secretary

BWOpel/mb
Enclosures

cc: Honorable Ernest Niemeyer
Lake County Health Department
Mr. Karl Klepitsch
Mr. Thomas Leep
Mr. Raymond Dutmers
Mr. Ed Feddeler
Industrial Waste Section

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING, MICHIGAN 48926



August 19, 1975

Mr. Art Schwartz
Organic Chemicals
P.O. Box 131
3291 Chicago Drive
Grandville, Michigan 49418

Dear Mr. Schwartz:

On August 15, 1975, I received a telephone call from Brian Opel of the Indiana State Board of Health. He reported drums of liquid from Spartan Chemical (Organic) were being disposed of at the Feddler Dump near Lowell, Indiana. According to Mr. Opel, this is not an approved disposal method.

The vehicle used to haul the drums must be licensed under Act 136 (Liquid Industrial Waste Haulers Act) or Act 87 if solid wastes are hauled. Also you must have an approved disposal method.

Failure to comply will result in appropriate legal action by this office.

If you have any questions, feel free to contact me at 517-373-1947.

Very truly yours,

BUREAU OF WATER MANAGEMENT

Tomas Leep
Water Quality Investigator
Oil & Hazardous Materials Control Section

TL:clp

cc: D. Dennis
J. Shauver
H. Miller, Spartan Chemical
L. Zulewski, Solid Waste Management Division
✓ B. Opel, Indiana State Board of Health

7- (12)
August 18, 1975

VIA CERTIFIED MAIL

Messrs. Edward and Robert Feddeler
10100 West 181st Avenue
Lowell, Indiana 46356

Gentlemen:

Re: Feddeler Dump Operation
Located North of State Road 2
3/4 Mile East of U. S. 41
Lake County

You are hereby notified that upon receipt of this letter you must immediately cease acceptance of any further waste materials at the above-referenced site.

Inspection by a representative of this Board on August 8, 1975, revealed that one portion of the site is being utilized for disposal of hazardous, liquid wastes and another portion of the site is being utilized for disposal of refuse.

This disposal operation is in violation of the Environmental Management Act, IC 1971, 13-7, the Refuse Disposal Act, IC 1971, 19-2-1, and Regulation SPC-18 (a copy of each enclosed), in the following particulars:

1. No approval or permit has been obtained for any disposal operations at this site.
2. The operation involves the depositing upon the land of contaminants which create a pollution hazard.
3. The operation is being conducted as an open dump.

Notification of this order is also being given to those parties identified by you as utilizing this site for disposal.

All salvaged metals accumulated at the site must be either promptly removed or compacted and covered with soil. All refuse deposited on the site must be compacted and covered with a minimum of two feet of clay soil.

Messrs. Edward and Robert Peddeler

August 18, 1975

The hazardous wastes already deposited at this site must be covered immediately with six inches of soil. A determination will be made by our staff of the appropriate measures to be implemented for the final disposal of the hazardous materials now deposited at the site. You will be advised of the staff's determination in the near future.

Enforcement action in this matter is being considered and will be pursued if operations continue.

Very truly yours,

Oral H. Hert
Technical Secretary

BWOpe1/cz

Enclosures

cc: Honorable Ernest Niemeyer
Lake County Health Department
Mr. Karl Klepitsch
Mr. Thomas Leep
Industrial Waste Section
Globe Industries
Mr. Arthur Schwartz

bcc: Brian Opel
Johnnie Baker
Dan Magoun
Claude Goodley
Chris Menze
Gary Presswood



ENTERPRISES, INC.

FEDDELER
CONSTRUCTION / DEMOLITION
LANDFILL

18501 CLARK ROAD
LOWELL, IN. 46356

(219) 696-8905
FAX: (219) 696-8954

May 28, 1996

Lake County Solid Waste Management District
1473 E. 84th Place
Merrillville, IN 46410
Attn: Mr. Jeffrey A. Langbehn

RECEIVED

MAY 31 1996

Dear Mr. Langbehn:

I am writing as a matter of clarification regarding the future of my family business. As you know my family has been operating a construction/demolition final disposal facility, just outside of Lowell, for nearly thirty (30) years. This facility is currently owned by my wife and me and we employ eight people – seven of which are direct relations.

Realizing the limited capacity of our facility we approached the District Board in early 1995 in an effort to ensure our long term survival -- in the wake of the Boards grappling with the corporate out-of-state giants. At this Board meeting, the District promised – in the form of a motion and vote – a letter supporting the need for additional construction/demolition final disposal capacity. This letter was deemed crucial by the Indiana Department of Environmental Management with respect to the submittal of an operating permit application for an expanded operation.

^ In the meantime, we began to implement an extensive ground water monitoring program (normally designed for municipal solid waste landfills) in order to insure the integrity of our facility but also to demonstrate to your board and our community that our ground water is protected. This program was done as part of our expansion development and at a tremendous financial burden to my family.

He has to put in 4 wells. Page 31

It is now May of 1996 and we have not seen the letter of support promised in February of 1995. Being from a small town in Indiana where a promise is a promise (and a vote at a Board meeting would be Legally Binding – or so you

LCSWMD

May 28, 1996

Page Two

would think) I was not too concerned that we had not yet received written correspondence.

However, now I am afraid that the Board's pact with USA Waste Services-Hickory Hills, Inc. threatens my ability to provide for my family in a manner reminiscent of a classic "anti-trust" situation and certainly an attempt at flow control. I trust that this deal with USA Waste Services-Hickory Hills is with respect to a municipal solid waste landfill and that our rights and future as a "construction/demolition final disposal facility" are protected -- including our ability to continue our long-term development program. **Please provide me with the Lake County Solid Waste Management District's position on our facility and it's opinion of our future plans and desires to increase it's useful life.**

As a state permitted tax paying facility, in good standing, in Lake County imagine my chagrin in learning yesterday that our operation has been neglected from the Host Community Agreement proposed by USA Waste Services-Hickory Hills.

We are looking forward to the Board's direction and input on this important matter. If you have any questions or require additional information please contact Julie Feddeler at (219) 696-8905.

Sincerely,
Robert W. Feddeler

Robert W. Feddeler

SOLID WASTE DISPOSAL FACILITY INSPECTION REPORT

DATE: 8/8/75 TIME: _____ COUNTY: LAKE
SUBJECT: FEDDELER DUMP
LOCATION: ON S.R. 2, 3/4 MI. E OF U.S. 41
PERSON(S) CONTACTED: ED FEDDELER, MARY (MRS. ROBERT) FEDDELER

- I. IS THIS OPERATION APPROVED? YES ☒ NO ☐ PERMIT NUMBER _____
- II. TYPE OF OPERATION DUMP LANDFILL _____ OTHER _____
- III. OPERATING DEFICIENCIES
- General Standards
- () 1. On-site roads passable by vehicles regardless of weather.
 - () 2. Sanitary facilities meet standards.
 - () 3. Livestock feeding prohibited.
 - () 4. Proximity to dwellings greater than 600 feet.
- Water Quality
- () 5. Groundwater monitoring wells installed in accordance with Board requirements. Sampling as specified.
 - () 6. Surface drainage controlled.
 - () 7. No refuse deposited in water.
 - () 8. Leachate control/treatment satisfactory.
- Air Quality
- () 9. Open burning () past () present
- Aesthetics
- () 10. Control and/or policing of blowing paper adequate.
 - () 11. Vehicular access controlled when site is not open.
 - () 12. Containers at gate clean and litter free.
 - () 13. Natural windbreaks and greenbelts maintained.
 - () 14. Entrance sign adequate, permit numbers and working hours stated.
 - () 15. Salvaged materials properly stored, and not causing operational problems.
 - () 16. On-site roads constructed to minimize tracking of mud onto public roads.
 - () 17. Refuse processing facilities maintained in litter free condition. Overnight storage areas enclosed.
- Gases
- () 18. Decomposition gases adequately controlled.
- Vectors
- () 19. Effective vector control program.
- Safety
- () 20. Roll bars and fire extinguishers on rolling equipment.
 - () 21. Provisions available to extinguish fires.
 - () 22. Communication equipment available.
 - () 23. Scavenging prohibited.
 - () 24. Traffic patterns established, vehicles discharge without delay.
- Operator Instructions
- () 25. Operating manual, safety precautions, and procedures available.
- Cover Applications
- (X) 26. Waste spread in layers, compacted on approximate 3:1 slope.
 - (X) 27. Daily cover adequate.
 - () 28. Finished portions covered with minimum of two feet of earth seeded with suitable vegetation.
 - () 29. Final slope not less than 2%, without ponding of water.
- Hazardous and Special Wastes
- (X) 30. No unauthorized hazardous wastes accepted.
 - () 31. Bulky waste handling adequate.
 - () 32. Dead animal handling adequate.
- Equipment
- () 33. Refuse handling equipment adequate to spread, compact and cover waste.
- Records
- () 34. Set of approved plans on site.

IV. PHYSICAL CHARACTERISTICS OF SITE:
Proximity to major highways: _____
Proximity to dwellings: _____
Water on site or nearby: _____
Jurisdiction of Site or Operation: Private _____ County _____ Municipal _____

V. REMARKS FROM PART III.

Item _____ Remarks _____

Two types of disposal operation are being conducted:
(1) solid fill disposal (with accompanying salvage)
(2) liquid + sludge waste disposal
Soils on the site appear to be tight clay to at least 6' (bottom of H.W. trench). Numerous barrels being deposited in 2 trenches, 1 of which was being covered as arrived at site.

VI. OVERALL EVALUATION:
Overall evaluation of operation: Excellent Good Marginal Unacceptable
Overall evaluation of site: Good Marginal Poor

VII. Comments/Diagrams

Inspected by: Brian N. Ope

Operation began in 1971 or '72.
Home Sanitation, Independent Wastes, Globe Industries, and Feddelers' haul solid fill type wastes into site.
Hazardous wastes are hauled in from a company in Michigan, Printing, labels on barrels: (1) TAG Chemicals Co. (2) Franklin; 34-40 S. Park St., Bedford, Ohio; batch no. 12126 (3) Herculite; Sulfuric Acid 200 (4) Acrylonitrile / Guardian Chem. Co. (5) ...

July 15

Dear Jeff.

I am enclosing this packet of earlier Violations and on next page there is a letter from Bob Heddler to LC SUB stating that he was a part of operation to the Heddler landfill for 30 years or 33 years. Bob lived on the dump in the trailer or house that exist now on North side of ST RT2.

He was one of people that ran the landfill, cover Debris and Excavated cells, being owner & operator of Heddler Landfill and be a Violator to the following pages of Violations and permit denial.

On Disclosure statement, he has been in control of operations at the Heddler C/O landfill, since October of 1994 or 1966? Is he trying to hide the past?

Also wrong information was given by Bob about affected politicians the town of Lowell.

also included are 2 Resolutions opposing W.C.P.L. from Town council member & School Board.

RECEIVED

JUL 20 1999

1 Lem/Hoquab

over

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SOLID & HAZARDOUS WASTE MANAGEMENT

looking at inspection reports and comments, since 1995.
R & M have been in non compliance for

Continuous Maintenance	10-36-14(A)
Yugtine Dust	10-36-13(A)
Surface Seachate	10-36-15(A)
Seachate beyond 50 feet	10-36-15(B)
Weekly cover	10-36-12(B)

Landfill Erosion and Sedimentation Review SWCD & DNR
Habitual offenders, in last $2\frac{1}{2}$ yrs. 5 inspections
Violations 9 out of 10

How Many years does it take to get them in
compliance, also Tonnage Reports 11-13-6(A)(1)
from 21 days to 400% late in reporting.

RECEIVED

NOV 95

NOV 95
NOV 95
NOV 95

OFFICE OF SOLID
AND HAZARDOUS
WASTE MGMT
FOR

Henry B. Kaszuba
18606 Austin St
Lowell, IN 46356-9623

July 11, 1999

JUL 14 10 55 PM '99

Mr. Jeff Sewell.
Solid Waste Permit Management Section

Re: West Creek Prairie c/d
Sandhill Public Hearing
June 29, 1999

Dear Mr. Sewell,

I've been pondering with myself to write or not write this letter to you. I guess "to write" won.

This is about the public meeting West Creek Prairie Sandhill had on June 29/99. Mr Boos was fair in letting everyone who wanted to ask questions to talk. But he did shut me out more than once. As you noticed Mr Boos said one more question and that was the end of public meeting. I had more questions to ask, as other people did too.

Mr Boos gave evasive answers to some questions, trying to get my goat, such as the tipping fee. He said a ton? I said no, tipping fee, who gets the tipping fees? I finally got an answer.

I asked Mr Boos if I can ask a question about R+M Disposal, he said yes. I said R+M has a advertisement on a local restaurant place mat, it reads.

Weekly Curbside Garbage Service
1½ yd to 40 yd Containers for

Home remodeling & cleanups
Industrial
Commercial
and 4 other Debris work

It's very convenient for R+M to have all services and C/O landfill also. Where does R+M dump Industrial commercial Debris? Mr Boos said maybe there is a carpet or garbage bag or 2 in the rollon (container) are they (R+M) suppose to take it out and leave it in the yard where the rollon is at?

Another question was about hazardous material dumped in R+M landfill in '75. Mr Boos said there was no documentation of anything happen like that. I think when a person has Documentation, Black on White from Health Inspectors from Indianapolis saw Teddebe pushing dirt on a trench full of barrels, it cannot be denied.

As for the lady who begged about the mountain of soil be removed, the clean fill pile so she can see the sunset well from the time you probably saw it June 29, it's about 10 to 20 feet higher. Who wants a neighbor like that. I think it was done on purpose.

Looking from East to west at the dump there is a new pile of soil brought in the middle of landfill was trucked in from

a construction site by I 65. Was this soil tested for cover, or where is R+M going to use it.

Mr Boos did not answer the question about excavated cells, where is this soil going to be stockpiled. Mr Boos said south of proposed landfill. We asked Where? no answer.

Question was asked about drainage, the creek or Ditch lying from West to East thru or on South side of proposed landfill. This one creek drains about 520 acres of land that loops West side of R.R. water flows Easterly thru culvert under R.R. thru Yeddeleis land to Bruce Ditch. There are 2 other washouts called creeks or 3 creeks on the Yeddeleis 93 acres of property. Mr Boos informed us at the meeting Bob Yeddeleis made, constructed dug out the 3 creeks himself. Yeddeleis did not construct these creeks they been there since the R.R. was put in. But he has maintained them periodically.

Sincerely
W. Koszuba

Enclosure

One place Mat - R+M

- 1 Picture Soil Pile
- 2 " R+M Containers
- 3 " Garbage truck in R M landfill

JUL 14 10 55 PM '99

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HASTINGS
JUL 14 1999

696-8905

18501 Clark Road
Lowell, Indiana



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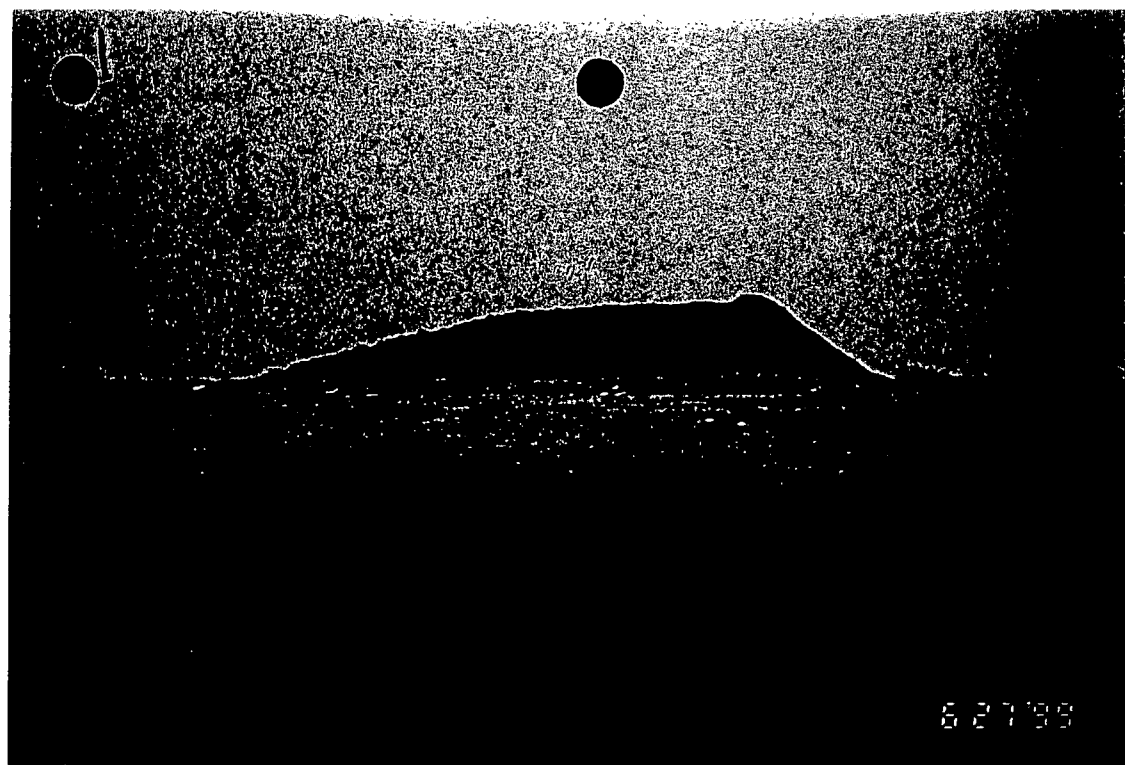
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2



3



9901 W. 219th Ave.
Lowell, IN 46356
July 2, 1999

Jeff Sewell
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
100 N. Senate Ave.
P.O. Box 6015
Indianapolis, IN 46206-6015

Dear Sir:

I live just South of the West Creek
Prairie C/D site and the now existing
solid dump.

The Bruce Ditch runs to the east
of the present dump. Growing up in this
area I would swim and fish in the
Bruce Ditch. A person cannot do this
now as the ditch is polluted. Years
back the Bruce Ditch was good for fishing,
lots of big bluegills. Now that the creek
is polluted the bluegills have gone, and
the carp are there.

I'm opposed to any additional
expansion of the dump North of me.

Respectfully,
Leroy Listak

RECEIVED

JUL 06 1999

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SOLID & HAZARDOUS WASTE MANAGEMENT

Mr. Jeff Sewell
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
100 N. Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

July 1, 1999

Dear Sir;

We are John and Beverly Schroeter. We own the property at 18905 Idaho Court, Lowell, Indiana. Our home is located at that address which is in the platted subdivision just to the South of the proposed site of the West Creek Prairie Construction and Demolition Landfill.

We have attended every public meeting about this landfill in its many proposed sizes and names. The fact remains that we see nothing to recommend its development except the increase of a single family's net worth.

They claim that we, the people of Indiana, specifically Northwest Indiana, need the dumping space so that we can continue to grow. How can that be if over half of what they dump is from Illinois? They further state that they are good neighbors, they weren't good neighbors until they tried for an expansion of their current site and failing in that this new site, before that we drove Route 2 daily in a blizzard of flying paper and trash in a sand storm of fugitive dust over a road covered in massive lumps of dirt left by trucks leaving and entering their facility. We have seen records that seem to indicate to us that even when the Feddlers are on their best behavior they just can't seem to comply with your agency's regulations in a timely manner.

The situation is simply stated as follows; We have our entire life's work invested in this home, all of our dreams and hopes for the future are here, it is all we have and probably will be all that we can have to hold in trust for our son and his future. The only water available is well water, we feel that is threatened by this project. Our property value is threatened. Just sitting out on our deck of an evening(it's on the south side), discussing our day, is threatened. In short our whole way of life is on the line just because one man's family wants to make more profit burying other state's debris under Indiana's soil. We hope that you and your department will again carefully go over the statement of need to see if this project benefits Indiana or Illinois, or just Robert Feddler and his family.

Thank You for Your Time,

John H. Schroeter
Beverly Schroeter
John and Beverly Schroeter
18905 Idaho Court
Lowell, IN 46356

RECEIVED

JUL 06 1999

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SOLID & HAZARDOUS WASTE MANAGEMENT

Mr. Jeff Sewell
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Bruce H. Bartlett
18905 Idaho Ct.
Lowell, In 46356

June 30, 1999

Dear Mr. Sewell,

This letter is regarding the proposed West Creek Prairie C/D Landfill Site, here in Lowell.

I have several questions I would like to have answered about the figures used to demonstrate the need for this landfill.

1. Does material picked up in R&M's roll-off boxes automatically become of in state origin or does it depend on which state the material is loaded in?
2. Do all out of state loads get reported as such or can such loads be misidentified through error on the part of the receiving facility?
3. Who is responsible for inspecting loads for illegal or proscribed materials?
4. Why are only Indiana Counties listed in the permit application as sources of fill?

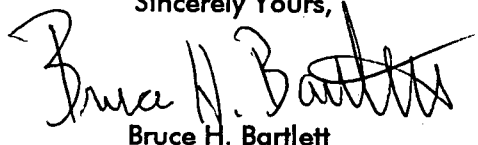
Question number 4 bothers me most of all, IDEM's own publication, *1998 Summary of Indiana Solid Waste Facility Data*, page 17 Table 10, states that FEDDLER C/D SITE disposed of 45,661 tons in 1998, making it Indiana's second largest C/D SITE based on tonnage, accounting for approximately 28% of the total of all Construction-Demolition Landfills which was 192,713 for 1998.

Where I get confused is later on in the same publication on page 28, Table 19 *Annual Amount of Out-of-State Waste Facilities by Facility Type and Waste Type* shows that in 1998 Construction/Demolition Sites received a total of 29,234 tons of Out-of-State Materials. Proceeding to page 30, Table 10 *Total Out-of-State Waste Received by Facility during 1998* shows Feddler C/D Site as receiving a total of 26,556 tons of out-state waste.

In other terms did Feddler C/D Site receive 90% of all Out-of-State Waste received by Indiana C/D Sites while only receiving 28% of the Total Waste Disposed of by C/D Sites in 1998?

I don't think Indiana's or even Northwest Indiana's development or future rests upon this permit being issued. I do, however, believe that the approval of this permit will endanger the future and the investment of the many for the enrichment of the few, or perhaps more aptly the Feddlers.

Sincerely Yours,



Bruce H. Bartlett

Bruce H. Bartlett
18905 Idaho Court
Lowell, Indiana 46356

Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015

August 31, 1999

Subject: ~~Written copy of my intended remarks at the public hearing concerning the West Creek Prairie permit.~~

We have been told many things by the group applying for this permit over the last few years, and they are still the same people, no matter what corporate flag they are hiding under at this time.

We have been told that this is a family operation, that much is true, but we were not told that it is a multimillion dollar business, which I personally feel, makes a great difference.

We have been told that this project supports several local jobs, again true. But as we have tried many times to point out, this project can also potentially affect a much larger number of lives in the surrounding area.

We have been told that this permit will help continue, and therefore is vital to, Northwest Indiana's growth and future development. A statement that I find difficult to reconcile with IDEM's own reports and summaries which reveal that more than 50 percent of the waste received by the existing site in several past years originated from Illinois sources. We have also been told that all of our futures hinge on convenience to a C/D Landfill at this location to make this area more attractive to development, a point we will not concede since Newton County has a Municipal Solid Waste facility which can take C/D materials, a site about ten miles further south, from either the existing or the proposed sites.

We have been told that past practices in the facility across Route 2, on the north side, across from the proposed permit site have no bearing on the future operations of the West Creek Prairie site. A train of thought, which we can't begin to follow or believe in, since the principal cast of characters is still the same for both facilities.

We also have been told that we must not compare the facts and figures from the present site to the old site, because they are totally different entities, but yet the old site is repeatedly referenced in the application that we are here tonight to comment on.

We have been told the size of this landfill in this current application, but once it has been permitted and opened who can say that it won't be expanded, either by permit or violation such as Cause # SW-387, which concerns the 66,000 cubic yards of illegal overfill at the existing landfill which although it caused a civil penalty of \$98,862.50 to be levied against the operators, of which only \$9,886.25 was actually collected due to an agreed order with IDEM's Commissioner.

Once again I feel the need to point out that these are the same people who will be operating the new facility if it is permitted and opens.

We have been told that no other liner is needed other than clay to protect our drinking water wells, we were also told that there is no hope of receiving water from Lake Michigan water to replace our water, and the town of Lowell's drinking water is neither plentiful nor good enough to consider bringing it out to us, so in the foreseeable future our only supply of water will come from our wells. As to the protection offered to us by the required clay liner this requires us to rely upon the operator's ability to detect and remove any inappropriate materials at the time of dumping. Even if we grant the operators the benefit of the many doubts we have regarding their competence and vigor in the pursuit of the detection and removal of such inappropriate material, the best efforts possible cannot hope to remove all inappropriate materials. The amount of such inappropriate material accepted over the life of this could indeed effect the purity of our drinking water.

There will, I expect, be a great deal of talk tonight about personal feelings and emotions, some by each side of the issue I expect. But as far as my neighbors and friends are concerned we bear no ill will toward the owners, operators or the employees, but we are certainly against the granting of this permit.

The primary concerns we have about this proposed landfill are very basic and very narrowly focused, perhaps selfishly so, what does this plan bring to us? More noise? More dust? More traffic? More bags of litter, both in my yard and along the roadside? Less property value to the current homes nearby? Reduced property values in the area around this proposed dump site? Less confidence in the water we drink and the well it comes from? A view of a 92 ft. high mountain of debris from our homes?

We have also been told by Lake County's Planning Commission that this site didn't fit the Master Plan, then we were told by the County Commissioners that it didn't matter, we were getting it anyway.

COUNCIL

We were told that even though the original filling and grading at the proposed site had been performed without permit or approval of the appropriate agencies, it's done, it doesn't matter.

We were told that the original permit couldn't be allowed to be as large as was applied for, it had to be setback farther at the edges to protect the neighbors, then we were told that the site had to be smaller yet again, because that the need for it to be that large couldn't be demonstrated, and it was designed even smaller, and yet here we are once again tonight, telling you yet again that we do not hold any confidence in the proposed operators involved abilities to abide by the guidelines and regulations required in this permit.

And why are we here again tonight? Just so one family can continue to reap an enormous profit, at their neighbors' expense, from bringing in waste that primarily comes from Illinois and covering it up on our state's land to become the problem of Indiana generations to come.

I would like to thank you for your time spent tonight in hearing our opinions. And I would, personally, also ask you to consider carefully all the points raised tonight by my neighbors and friends against this permit.



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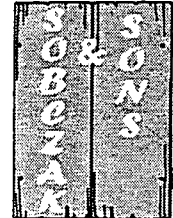
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3/99 - 2

RESOLUTION NO. 1999-11

RESOLUTION OPPOSING THE APPROVAL OF A WEST CREEK PRAIRIE CONSTRUCTION DEMOLITION LANDFILL

WHEREAS, R & M Enterprises, Inc. currently owns and operates the Feddeler Construction Demolition Landfill located along the north side of State Road 2 in West Creek Township, Lake County, Indiana; and

WHEREAS, R & M Enterprises, Inc. has admitted that over the past three years approximately 63% of all waste deposited in the Feddeler Construction Demolition Landfill has originated from sites outside the State of Indiana; and

WHEREAS, on July 13, 1998 R & M Enterprises, Inc. submitted an application to the Indiana Department of Environmental Management (IDEM) requesting a construction and operation permit for the West Creek Prairie Construction Demolition Site located on State Road 2, West Creek Township, Lake County, Indiana; and

WHEREAS, the initial application submitted by R & M Enterprises, Inc. for the West Creek Prairie Construction Demolition Site sought approval for a 60.8 acre Construction/Demolition Landfill on a 93.7 acres site capable of accommodating 5 million cubic yard of waste and thereafter said application was revised by IDEM to a 17.8 acre Landfill capable of accommodating 1.1 million cubic yards of waste; and

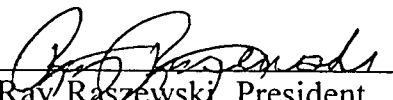
WHEREAS, both the existing Feddeler Construction Demolition Landfill and the proposed West Creek Prairie Construction Demolition Site are located less than one mile from the western boundary of the Town of Lowell, Indiana; and

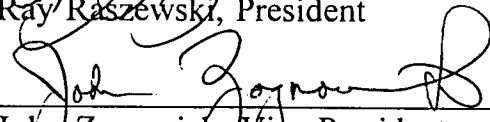
WHEREAS, the permitting of the proposed West Creek Prairie Construction Demolition Site will substantially increase the threat of pollution to the ground water and local environment caused by the existing Feddeler Construction Demolition Landfill and will also increase the potential harm to the health and safety of the public caused by dramatic increases in truck traffic along State Road 2 and the surrounding areas.

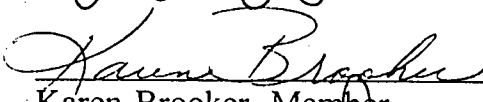
NOW, THEREFORE, BE IT RESOLVED by the Lowell Town Council as follows:

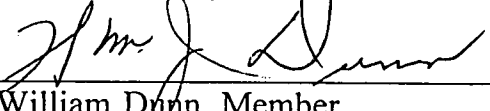
That the Indiana Department of Environmental Management deny the application of R & M Enterprises, Inc. for the West Creek Prairie Construction Demolition Site landfill due to the lack of need for such a landfill and/or the irreparable harm and adverse consequences to the ground water, the environment and the health and safety of the residents in and around West Creek Township, Lake County, Indiana that would result from permitting said landfill.

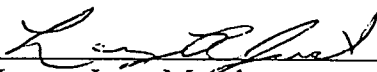
RESOLVED AND ADOPTED by the Lowell Town Council on May, 10 1999 by a vote of 5 in favor, and 0 opposed.


Ray Raszewski, President

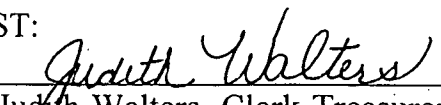

John Zagrovich, Vice President


Karen Brooker, Member


William Dunn, Member


Larry Just, Member

ATTEST:


Judith Walters, Clerk-Treasurer

At the last public hearing held June 29, 1999 by West Creek Prairie Construction / Demolition Site, we were told that this proposed CD landfill can take brick, concrete, stone, grass, plumbing and **non-asbestos** materials.

Since that meeting, we have noticed trucks coming from Gary carrying materials from buildings being demolished. Are these homes filled with asbestos? Who is abating these houses as they are being demolished? Who is checking every house before it is demolished? Can we see the records of what is being checked or separated before it gets to the landfill? And what about the garbage and vermin that gets caught in this demolished building material? Do we want the imported mice and rats running around in our neighborhood?

The threat posed by the lead-based paint being brought to our community is another reason for concern. Prior to 1974, paint cans did not have to carry a warning that the paint inside contained lead. As these old buildings are demolished and taken into our neighborhood, it's not hard to imagine the lead paint chips flaking off along Route 2 and being dumped in the CD landfill, which, by the way, is against the law.

The other concern is untarped trucks traveling through our town, with its contents becoming airborne. Who is monitoring these trucks and what exactly is being dumped?

I have read with great interest R & M's Disposals advertisements, which states that the firm accepts industrial, commercial, concrete and other construction waste. Is this what we can expect on the other side of the street? And who will be monitoring what goes into this landfill? If the current monitoring, or lack thereof, is any indication of what we can expect, then just about anything anyone wants to get rid of will find its way into our neighborhood.

I am very concerned about the garbage already being brought here. Until these questions are answered, I don't think any consideration should be given to granting a permit for another landfill.

Thank you.

Christine Marbach
18905 Parrish
Lowell, IN 46356

RESOLUTION NO. 1999-11

RESOLUTION OPPOSING THE APPROVAL OF A WEST CREEK PRAIRIE CONSTRUCTION DEMOLITION LANDFILL

WHEREAS, R & M Enterprises, Inc. currently owns and operates the Feddeler Construction Demolition Landfill located along the north side of State Road 2 in West Creek Township, Lake County, Indiana; and

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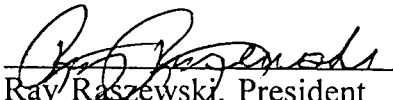
WHEREAS, both the existing Feddeler Construction Demolition Landfill and the proposed West Creek Prairie Construction Demolition Site are located less than one mile from the western boundary of the Town of Lowell, Indiana; and

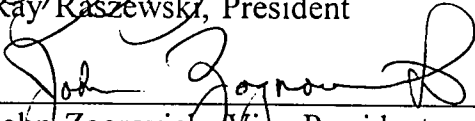
WHEREAS, the permitting of the proposed West Creek Prairie Construction Demolition Site will substantially increase the threat of pollution to the ground water and local environment caused by the existing Feddeler Construction Demolition Landfill and will also increase the potential harm to the health and safety of the public caused by dramatic increases in truck traffic along State Road 2 and the surrounding areas.

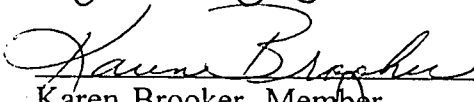
NOW, THEREFORE, BE IT RESOLVED by the Lowell Town Council as follows:

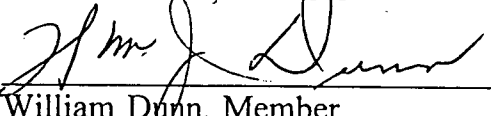
That the Indiana Department of Environmental Management deny the application of R & M Enterprises, Inc. for the West Creek Prairie Construction Demolition Site landfill due to the lack of need for such a landfill and/or the irreparable harm and adverse consequences to the ground water, the environment and the health and safety of the residents in and around West Creek Township, Lake County, Indiana that would result from permitting said landfill.


RESOLVED AND ADOPTED by the Lowell Town Council on May, 10 1999 by a vote of 5 in favor, and 0 opposed.


Ray Raszewski, President

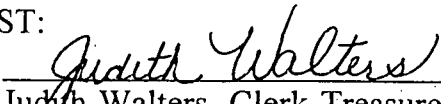

John Zagrovich, Vice President


Karen Brooker, Member


William Dunn, Member


Larry Just, Member

ATTEST:


Judith Walters, Clerk-Treasurer

329 IAC 10-12-1 Public process for new solid waste land disposal permits, lateral expansions, and major modifications to permits

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-10-1

Affected: IC 5-3-1-2; IC 5-3-1-6; IC 5-3-2; IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. (a) A person submitting an affidavit as required by 329 IAC 10-11-2(b)(22) and an application for one (1) of the following shall make notice as required in subsection (b):

- (1) A new solid waste land disposal facility permit.**
- (2) A lateral expansion permit.**

(b) The notice required by subsection (a) must include the following:

(1) Not more than ten (10) working days after submitting an application, an applicant shall make a reasonable effort to notify the owners of record of adjoining land to the facility or proposed facility.

(2) The notice provided by the applicant in this subsection must:

- (A) be in writing;**
- (B) include the date on which the application for the permit was submitted to the department; and**
- (C) include a brief description of the subject of the application.**

(c) A public meeting must be conducted by the applicant submitting an application for the following:

- (1) A new solid waste disposal facility permit.**
- (2) A major modification to a solid waste facility permit.**

(d) The applicant shall complete the following for the public meeting required in subsection (c):

(1) Within forty (40) days after the application has been deemed complete, conduct a public meeting in the county where the facility designated in the application is located.

(2) Publish notice of the public meeting required in subdivision (1) at least ten (10) days prior to the meeting in a newspaper of general circulation in the county where the facility will be located. The notice must:

- (A) be at least two (2) columns wide by five (5) inches long;**
- (B) not be placed in the part of the newspaper where the legal notices and classified advertisements appear;**
- (C) include the time and date of the public meeting;**
- (D) state the exact place of the public meeting; and**
- (E) have every effort made by the applicant and the department to coordinate the publication date of the notice of the public meeting held by the applicant as required by this subdivision with the publication date of the notice of public hearing held by the department as required in subsection (i)(1).**

(3) Conduct the public meeting as follows:

(A) Present a brief description of the location and operation of the proposed facility.

(B) Indicate where copies of the application have been filed.

(C) If the applicant proposes a design alternative, the applicant must briefly describe the alternative design.

(D) State that the department will accept written comments and questions from the public on the permit application and announce the address of the department and name of the person accepting comments on behalf of the department.

- (E) Provide fact sheets on the proposed facility that have been prepared by the department to the public. A department representative shall attend the meeting.
- (F) Offer the opportunity for public comments and questions.
- (G) Provide a copy of the published public notice as required in subsection (h).

(e) Within five (5) days after the application has been deemed complete by the department, the applicant shall place a copy of the complete application and any additional information that the department requests at a library in the county where the facility will be located.

(f) The applicant shall pay the costs of complying with subsections (c) through (e) except the applicant shall not be required to pay the costs of the public hearing notice when the notices are coordinated with the department as required in subsection (d)(2)(E).

(g) Failure of the applicant to comply with subsections (c) through (f) may result in the denial of the application by the department.

(h) Public notice must be made by the department as required by IC 5-3-1-2(h) after the permit application is deemed completed. The public notice must meet the following requirements:

- (1) Indicate where copies of the application are available for public review.
- (2) State that the department will accept comments from the public on the application for at least thirty (30) days.
- (3) Offer the opportunity for a public hearing on the application.
- (4) The department shall publish the notice in accordance with IC 5-3-1-6.
- (5) If the facility is within one (1) mile of the county boundary, the department will publish the notice in accordance with IC 5-3-1-6 in the adjacent county.
- (6) In addition to the requirements in IC 5-3-1-6, the department shall publish the notice in two (2) newspapers in the county where the facility is located, if there are two (2) newspapers of general circulation in the county.

(i) The department shall hold a public hearing as required by IC 13-7-10-2(b). The following apply to a public hearing:

- (1) The department shall publish notice of the hearing as required in IC 5-3-1 and IC 5-3-2 in newspapers of general circulation in the county where the facility or proposed facility is located.
- (2) During a hearing, a person may testify within the time provided or submit written comments, or both. The department will consider testimony that is relevant to the requirements of the environmental protection acts and this article.

(Solid Waste Management Board; 329 IAC 10-12-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1812)